ENQUIRY
INTO, AND
DETECTION
OF THE
Barbarous Murther
OF THE
Late Earl of Essex.

Or a Vindication of that Noble Person from the Guilt and Infamy of having destroy'd Himself.

Whose Hatred is covered by Deceit, his Wickedness shall be shewed before the whole Congregation, Prov. 26. 26.
The Land cannot be cleansed of the Blood that is shed therein, but by the Blood of him that shed it, Numb. 35. 33.
Erit vobis locus quærendi apud Senatum, Invocandi leges, quòd insidiis circumventus, vitam pessimâ morte finierim.
Germanicus ad Amicos apud Tacit. Annal. lib. 2. §. 71.

Anno 1684.

BODLEIAN
11 NOV 1936
LIBRARY

Upon the Execrable Murther

Of the Right Honourable

ARTHUR Earl of *ESSEX.*

MOrtality would be too frail to hear
How *ESSEX* fell, and not diſſolve with fear;
Did not more generous Rage take off the blow,
And by his Blood the ſteps to Vengeance ſhow.

The Tow'r was for the Tragedy deſign'd,
And to be ſlaughter'd, he is firſt confin'd,
As fetter'd *Victims* to the Altar go.
But why muſt Noble *ESSEX* periſh ſo?
Why with ſuch Fury drag'd into his Tomb,
Murther'd by Slaves, and ſacrific'd to *Rome?*

By ſtealth they kill, and with a ſecret ſtroke
Silence that Voice which charm'd when e're it ſpoke.
The bleeding Orifice o'reflow'd the Ground,
More like ſome mighty Deluge, than a Wound.
Through the large ſpace his Blood and Vitals glide,
And his whole Body might have paſt beſide.
The reaking Crimſon ſwell'd into a Flood,
And ſtream'd a ſecond time in *Capel's* Blood.
He's in his Son again to Death purſu'd,
An Inſtance of the higheſt Gratitude.
They then malicious Stratagems imploy,
With Life, his Dearer Honour to deſtroy,
And make his Fame extinguiſh with his Breath;
An Act beyond the Cruelties of Death.
Here Murther is in all its ſhapes compleat;
As Lines, united in their Center, meet;
Form'd by the blackeſt Politicks of Hell:
Was *Cain* ſo dev'liſh when his Brother fell?

He that contrives, or his own Fate desires,
Wants Courage, and, for fear of Death, expires.
But Mighty *ESSEX* was in all things brave,
Neither to Hope, nor to Despair, a Slave.
He had a Soul too innocent and great
To fear, or to anticipate his Fate;
Yet their exalted Impudence and Guilt,
Charge on himself the precious Blood they spilt.
So were the *Protestants* some Years ago,
Destroy'd in *Ireland* without a Foe.
By their own barbarous Hands the mad Men die,
And massacre themselves they know not why.
Whil'st the kind *Irish* howl to see the Gore,
And pious *Catholicks* their Fate deplore.
If you refuse to trust erroneous Fame,
Royal *Mack-Ninny* will confirm the same.

We have lost more in injur'd *Capel*'s Heir
Than the poor bankrupt Age can e're repair.
Nature indulg'd him so, that there we saw
All the choice Strokes her steady hand could draw.
He the old *English* Glory did revive,
In him we had *Plantagenets* alive.
Grandure, and Fortune, and a vast Renown
Fit to support the Luster of a Crown.
All these in him were potently conjoyn'd,
But all was too ignoble for his Mind:
Wisdom and Vertue, Properties Divine,
Those, Godlike-*ESSEX*, were entirely thine.

In his Great Name he's still preserv'd alive,
And will to all succeeding Times survive.
With just Progression, as the constant Sun
Doth move, and through its bright *Ecliptick* run.
For whilst his Dust does undistinguish'd lie,
And his blest Soul is soar'd above the Sky
Fame shall below his parted Breath supply.

AMong all the Sins which are said to cry for vengeance, there is none to which a louder voice is ascribed in the ears of God as well as Men, than that of *Murder*. For as it is the destroying a Creature, which carries the stamp and impress of the Divine image, and therein a defacing the most visible representation, which God hath vouchsav'd unto, and left of himself in sublunary Beings; so it is a most daring insurrection against the Authority of the Supream Lawgiver, who designed his inhibition for a sufficient Fence about our Lifes. Nor does any Crime more audaciously controul the End of Divine Wisdom in making us sociable Creatures, and furnishing us with faculties and powers by which we are inabled as well as instructed to help and shelter one another. And therefore in proportion to the heynousnes of the guilt of the sin of *Murder*, are both the denounciations of God in the Word, and his vindictive dispensations of providence against it, wrote in more legible Characters, than those wherein we find his displeasure recorded and testified against other Crimes. Profane as well as Sacred Story's are filled with instances of Gods inquisition after the shedding innocent blood, and of the wrathful severity which he hath shown against Families as well as persons in whose skirts it hath been found.

And as no Transgression is more provoking to God, so none does so much incense and exasperate mankind. The destroying one innocent person, is construed as a threatning of all; nor can we hear of the cutting our Neighbours throat, but we judg our selves alarm'd and bid look to our own. Nor is it only by the instinct, but by the Authority of the Law of Nature, that Murderers have in all places and ages been pursued with an Universal hatred. He abandon's his own life to the will and pleasure of the next assailant, who esteems it not his duty not only to wrest the weapon out of a murderers hand, but to bring the malefactor to publick punishment.

And tho there is no person so dignified or privileged, in whom assassinations and murders are not highly detestable, and to be prosecuted with the utmost impartiality and zeal; yet they deserve the greatest abhorrency, when perpetrated by those, whose duty it is to defend our lifes instead of invading them. For if it be criminal in a very enemy to kill the person whom he reckons himself most injured by, unless empowered thereunto by a judicial Sentence or a legal warrant; how infinitely more enormous is it, for those to be Author's of, or instrumental in our ruine, to whom the care of our preservation is committed and entrusted. And by how much any are vested with the Administration of the Law, to avenge them-

ſelves and the community upon offenders; by ſo much does their crime and guilt become enhanced, if when they can not gratifie their indignation in the perſon and quality of Magiſtrates, they eſpouſe the work and character, and aſſume the weapons of an aſſaſſinate. And who know's, but that as the Attorney General had the boldneſs in print to call the accuſation and commitment of the *Earl of Eſſex*, * *a conviction for high Treaſon*; but that others upon that *conviction* might have the impudence to give order for his Execution. What more hateful ſight can there be to heaven, or more enraging ſpectacle to men, than to find thoſe, who by the places they are advanced unto, and the Truſt that is repoſed in them, ought to watch for our ſafety, conſpiring our ruine, and what they have not the courage themſelves to execute, tempting and hiring others to commit?

As it will be eaſily allowed, being indelibly ingraven in our Natures, that every Murder is to be regiſtred amongſt crimes of the deepeſt die; ſo it cannot be denied, but that one may be of a more heynous nature than another, and receive aggravation from the worth and quality of him that is aſſaſſinated. For as the value of kindneſſes grows in proportion to the meaneſs of the perſons on whom they are beſtowed; ſo crimes receive an encreaſe of guilt, from the dignity and uſefulneſs of thoſe againſt whom they are committed. By how much higher the ſtation of any one is in the Commonwealth, and by how much through his wiſdom, power, bounty and influence, he is beneficial to the Nation; by ſo much is the deſtruction of ſuch a perſon attended with the higher aggravations, and to be reſented as a moſt enormous crime. Nor are we only to eſteem ourſelves injured and threatned in and by the example of ſuch a perſon's ruine, but we are to account our ſelves wronged, and ought to demand reparation, anſwerably to the benefits we reapt by him, and which we are rob'd of by the loſs of ſo uſeful and worthy a perſon. Our Law in making that againſt a *Peer* liable to an *Action* of *Scandal*, which it takes not ſo much as cogniſance of as an offence againſt little and inferior people; could not be ſo improvident in reference to the lifes of Noblemen, as not to let a ſtronger and higher hedge about them, than thoſe of Mechanicks are fenced and defended by.

Nor is it only from the quality of a perſon againſt whom a crime is committed that it receives an aggravation, but there accrues a new addition of guilt thereunto, from the obligations which the perſon deſtroyed, may have laid upon thoſe who were inſtrumental in and acceſſory to his ruine. To ſee one periſh by the hands of thoſe, whom he may have injured

* *Braddons Trial p.* 4.

jured either in their persons, reputations, or interest, is no more than what we may sometimes find instances of among the unruly and degenerate part of mankind; but to hear that a person is assassinated by those whom he served with the utermost zeal and fidelity, is a villany which none but prodigies of ingratitude, and monsters of humane Nature, can be guilty of. But there is a certain great man in the World whom I shall forbear to name, whose temper is to bestow his Favours upon such as have been his Majesties greatest enemies, as well as the most proffligate and basest among men, and in the mean time recompence such not only with neglect but hatred, whose parents as well as themselves had shed their blood and ventured their fortunes in the behalf of the King and the Royal cause. How true is that of *Tacitus*, *lib.* 4. *Annal. Beneficia eousque læta sunt, dum videntur exolvi posse, ubi multum antevenere, pro gratiâ odium redditur: Kindnesses are acceptable while they may be repay'd, but when they exceed all possibility of recompence, they meet with hatred instead of acknowledgment.* There is no other way to be secure from the malice of some sort of people, than in the place of obliging them, to keep them at defiance. For whereas they are altogether uncapable of being won and impressed by courtesies, they are either to be chained up or menaced from doing mischief.

And as all I have suggested, makes but too suitable an introduction into this following Discourse of the Assassination of the Earl of *Essex*; so it is no small reflection upon the honour of the Nation, and proclaims the execrableness of the Fact, and impudent boldness of the Actors, that they durst perpetrate this horrid villany not only in the Royal Prison, where the Government in the account of the Law is responsible and pledge for the safety of the captive, but in one of his Majesties Palaces, where the King himself is to be esteemed security for the preservation and forthcoming of all who come under his roof. This honorable Gentleman being the Kings Prisoner, and deprived of all means and advantages of defending himself; these trusted with the administration of the Government, and particularly the King, were to be responsible for him in case he miscarried. Nor can his Majesties best friends, and these who are most zealous for his honour, think otherwise of that villanous Fact, than that they who where the contrivers of it, intended at once to rob the King of one of the best and ablest Ministers he had ever employ'd, and to give a mortal wound to the Royal reputation, by perpetrating the bloody crime in such a place. And whereas the *Queen* had lain under an imputation of reproach, upon the account of *Sr. Edmond Bury Godfrey's* being assassinated in *Somerset-house*, they might hope to involve the *King* under the like dishonor, by cutting the Throat of this Noble Peer in the *Tower* of *London*.

Nor ought any man whom the providence of God hath furnished with means and advantages of detecting so horrid a murder, be judged either officious, or held for disaffected to the Government, if he reveal what he hath attained to the knowledg of, and publish those evidences, which as they have satisfied himself, may be sufficient to convince all the unbyaz'd part of mankind, of the truth and reality of this barbarous assassination. And as it is impossible he should be a good Christian, so he ought not to be esteem'd a good Subject to his Majesty, nor a sincere friend to his Country, who shall more value his own ease and safety, than the delivering the throne from guilt, or saving the Nation from that vengeance, which the cry of innocent blood barbarously and treacherously shed, is ready to derive and bring upon it. And it is no small evidence by whose countenance and authority this murder was committed, that such discouragements have been given to the discovery of it, and that an honest Gentlemen hath been so severely proceeded against, in defiance of all Law as well as without President, for but offering to represent what he had learned in relation to the destruction of that honourable person. But as we shall have occasion to speak more fully of that afterwards, I shall only add here, that the barbarity expressed to *Mr. Braddon*, is so far from deterring others to pursue this affair, that his ill treatment at the *Council Board* and *Kings Bench*, was one of the motives of my undertaking this Province. And as by reason of the retirement I have confined my self unto, and the privacy I have used in following these researches, I labour not under the inconvenience of dreading a fine or prison which does so much frighten others; so I dare boldly affirm that the terror of these things, (were I to encounter them) would not so affect me, as to make me neglect what I reckon a necessary as well as an important duty. *Patriæ deesse quoad vita supperat, aliis turpe, mihi etiam nefas*, was the saying of *Camillus* in *Livy*. And tho I be not so vain and ambitious, as to desire the world should know who I am, yet I judg it absolutely needful that they should understand who I am not, least others come into trouble for that which ought not to be charged upon them, and which none but my self can with any equity or justice be made accountable for. And seeing *Mr. Braddon* hath been singled forth as the object of some men's indignation, for the service he was willing to have done his Majesty in the detection of this Murder; I reckon my self bound to publish to all the world that I know not the Gentleman, and that to the best of my remembrance I never saw him, much less have ever conversed, or had any communication with him. I will not deny, but that he is a person whom I do infinitely esteem for his integrity, zeal, and courage in this matter; yet I will not be so far injurious

rious to him, as to commence an acquaintance with him during the transaction and dependence of this affair, and while he is under the power of those that will be ready to declare him criminal, for the least intercourse with a person that is likely to become so obnoxious to the rage of *St. James*'s and *Westminster-Hall* as I may come to be for this service to the King and Kingdom.

But besides the common tyes, which I lye under equally with the rest of mankind for endeavouring to detect so horrid and barbarous a Murder, there are some special obligations upon me, by which I esteem my self more particularly bound than others are, to do all the right and justice I can to the memory of this massacred Lord, and to redeem his Name from the infamy with which they have aspersed him of being *Felo de se*. For I had not only the honour to be known to him, which *Mr. Braddon* pretends not unto, but besides the favouring me with diverse Testimonies of his respect, he did me the kindness to own and befriend me at a juncture, when I was in no small hazard from the malice of very Powerful as well as considerable persons. And seeing that honourable Peer has been so unhappy, as to find nothing but ingratitude as well as injustice from those of the highest and sublimest quality whom he had most effectually served and infinitely obliged; it is not amiss that the world should understand there are some remains of vertue and gratitude among the mean and little people, and that tho their condition does not inable them to recompence favours conferred upon them by great persons, yet they have that ingenuity which others want, *viz.* to sense and acknowledg them.

And as I reckon it no small honour to have been known to the deceased *Peer*, so I thereby enjoyed an advantage which others wanted, namely an opportunity of learning the principles and observing the Temper of that excellent person. Whom as I found to be one imbu'd with the most vertuous and religious, as well as heroick and generous principles of any Noble Man in the Kingdom; so I observed him to be a Gentleman of the greatest sedateness of mind, least subject to the undue agitation of unruly passions, and most under the conduct of a calm, steady, strong, clear and well poised Reason, of any Man of Quality, I ever had the happiness of access unto. And if either the succors of Nature, Education, or Grace, were sufficient to fortifie and preserve a person from such an enormity and crime, then must the Earl of *Essex* above all men be acquitted from the guilt of so execrable a fact, as being contrary to the Frame and constitution of his Nature, as well as to all the intellectual and moral habits of his Mind. So villanous a Deed, was inconsistent with his Temper, as well as repugnant to his vertue.

As he was an excellent Christian, he durst not allow a thought that might give encouragement to so heynous a sin; and as he was a well accomplisht Gentleman, he scorned to render himself guilty of a thing that was so mean and base. Nor was the folly of the Assassinates less, in hoping to obtain credit to a report, that the Earl of *Essex* cut his own throat, than their wickedness was, in contriving and perpetrating themselves, that bloody murder upon him.

Yea as if it had not been enough, to have first cut the throat of this innocent tho unfortunate *Earl*, and then to have fastned the guilt and infamy of their own Fact upon his untainted vertue and spotless Soul; they have sought to gain credit to their calumnious accusation, and to reconcile unthinking people to their opinion, by affirming that he used to commend and justifie self Murder, in case there remained no other way to escape a capital punishment, and the being made a spectacle to the little and gazing part of mankind. And to give the better gloss to this malicious fiction, they report that he used to extol the action of his Ladies Grandfather the *Duke* of *Northumberland*, who being prisoner in the Tower for Treason, shot himself in the head with a Pistol. But as the *Earl* of *Essex*, had he entertained so ungodly and corrupt a sentiment, was more prudent and discreet than to publish and avow an opinion so contrary to the Rules of Religion, the principles of honor, and the common sense and persuasion of mankind; so it is enough to detect the falsehood as well as the malice that is in this report, that the Authors and dispersers of it, either dare not declare the persons to whom the *Earl* should have discovered and revealed his mind in this matter, or else such as they have named for vouchers of the truth of this story, have not only denyed their having at any time heard him express the least word in favour of self murder, but do affirm with all the sacredness imaginable, that he used to speak always of it with the utmost abhorrency, and to brand it as the greatest and most heynous sin. For whereas they have had the impudence to affirm that this report either proceeded originally from his own *Lady*, or was at least assented unto and attested by her; she hath upon application to her *Ladyship* for the knowledge of the truth or falsehood of this Story, not only with all the solemnity requisite in a matter of this importance, vindicated my Lord from having ever spoken a word that might induce the Lawfulness of self murder, or give countenance to a person's being *Felo de se*, but she hath further affirmed that he used to speak against it with an emotion beyond what was customary to him, and that he hath often declared that no circumstances whatsoever could extenuate the guilt, or lessen the infamy of so unnatural and wicked

wicked a Fact. So that this Story, which hath been so maliciously and industriously spread, to gain belief to the Report of my Lords having murthered himself, may upon this detection of its Falshood, be very justly improved for the establishing an Assurance that he was assassinated by others. For it is impossible to imagine upon what other Motive it could be invented, unless to palliate the Crime of those who had destroyed him.

But should it be granted that the late *Earl* of *Essex* used to speak with all Candor and Respect of the *Duke* of *Northumberland*, who slew himself in the Tower; it was no more than what might be expected from a Gentleman of Civility and good Breeding, partly out of *Decorum* and Complacency to his Lady, whose Grand-father the said *Duke* was, and partly out of respect to that Noble Mans Personal Merit and Worth, being upon many accounts a truly great Person. For is it not enough to condemn a Fact, without heaping Obloquy and Reproach upon him that hath been guilty of it? It is sufficient to represent the Evil of a Thing in *Thesi*, and to demonstrate the Sin as well as Dishonour in committing it; but it neither agrees with the Rules of Religion, nor the Measures of Conversation among Persons of Quality, to be over severe in *Hypothesi*, and to pronounce this or that Man wicked and infamous, though upon the score of that which we have doctrinally, and in way of Argumentation censured and condemned. Nor was the *Earl* of *Essex*'s Case parallel to that of the *Duke* of *Northumberland*, that the latter should make the former a President. For whereas that *Duke* was not only accused, but condemned for High Treason when he committed that Fact; the *Earl*, though accused and committed, not only knew himself innocent of the Crime wherewith he was charged, but was well assured that there was no Evidence upon which they could proceed to try, and much less to condemn him. For of all the Witnesses who had undertaken the Drudgery of swearing Men out of their Lives, there was only my Lord *H.* that could pretend to so much as acquaintance with him. Whose Testimony being but that of one Man, and a very infamous one too, it could not found an Indictment of Treason, much less be esteemed a sufficient Proof in Law for the Conviction and Condemnation of the meanest Subject.

And this leads me to another *Topick*, that the Earl of *Essex* did not destroy himself, but was murthered by others. For whereas it is not only sworn, that he cut his own Throat, but * *that he had ordered his Servants two days before, to provide a Pen-knife for him, on pretence of cutting his Nails; but with an Intent, as* Bomeny *insinuates in his Deposition, of committing that fatal and tragical Act*: I doubt not but to make it appear, that he was so far from any

* Braddon's *Trial*, *p.* 45. 55.

any previous Intention of that nature, that he took all imaginable care, in reference to his Safety, and being fully ſecure, as to any hurt he might do himſelf, was only apprehenſive and jealous of what might be attempted upon him by others, and was accordingly ſolicitous how to prevent it. And therefore he had the very day before his Murther, appointed his Servants to bring up out of the Country, ſeveral Veſſels of Silver, neceſſary for the preparing and dreſſing of Victuals, with an intent to have them brought into the Tower, not ſo much becauſe he would have his Diet provided and prepared by his own Cook, by reaſon of being curious in what he eat, but becauſe he was jealous of his Safety whilſt his Meat was made ready by any of the Officers of the Priſon, and was not without Suſpition that ſome violent and illegal means would be uſed towards his Deſtruction. Nor is it unworthy of our further remark, that he was ſo far from having abandoned himſelf to deſpair, or having entertained the leaſt thought of being his own Executioner, that the very day before the perpetration of the barbarous and horrid Fact upon him, he had ordered a conſiderable quantity of the beſt ſort of Wines to be bought and brought into his Lodgings for his own Drinking, reſolving out of a Regard to his Safety, rather than his Health, to taſte none that was ſold in or about the Tower. And whereas he knew that they had no intentions at Court of bringing him to a Tryal, nor indeed could, having but only one Perſon that pretended to be a Witneſs againſt him, he had accordingly appointed the providing ſuch a quantity for him, as would have ſufficed ſome Months for his own drinking, till he could have been delivered in a due Courſe of Law. Nor can unbiaſſed and impartial Men, make any other Inference and Deduction from theſe Circumſtances, than that the Earl of *Eſſex*, inſtead of having deſigned any Violence upon himſelf, was only ſuſpitious of what might be attempted againſt, and perpetrated upon him by other Hands.

But if we will allow our ſelves leave to obſerve, what *Ends* the violent Death of that Earl hath been improved unto, and what Deſigns his Majeſties Juſtices and Miniſters have ſtudied to ſerve by it; we ſhall both let our ſelves and the World into a fuller view and knowledge of this helliſh Myſtery of Darkneſs, and be able to detect the Contrivers of it, and by whoſe encouragement and Authority that excellent, though unfortunate Perſon was brought to an untimely and bloody Death. In order whereunto, we are to recollect, how that after diverſe Contrivances and Eſſays of involving Proteſtants in *Sham* Plots againſt the Perſon of the King and the eſtabliſhed Government, they were at laſt poſſeſſed of a Pretence of a Conſpiracy of this nature, and had furniſhed themſelves with ſome Witneſſes, who under

dertook the ſwearing the beſt and chiefeſt men of the Kingdom into a conjuration for levying war and deſtruction of his Majeſty. But being conſcious that their witneſſes were not of a reputation to win belief to what they had prepared in charge againſt the principal Patriots of our Religion and Laws, they reſolved to murther the *Earl* of *Eſſex*, (being one of theſe they had committed upon an accuſation of being guilty of that pretended conſpiracy) and then to give out that he had deſtroyed himſelf from the ſhame and horror of being concerned in ſo treaſonabl' a deſign. This they judged to be the moſt effectual way to ſupport the credit of their witneſſes, and gain over the Nation to give faith to the truth and reality of the plot. For as his Mejeſties Miniſters knew what infamous perſons moſt of the witneſſes were, and how far from deſerving that any thing ſhould be received from their Teſtimony; ſo they were very ſenſibl' that the generality of the Kingdom were not over inclinabl' to believe a Proteſtant plot, there having been ſo many endeavours before, of impoſing upon them in this way and kind. This was the deſign in order to which the murder of this honourabl' and innocent perſon was contrived and reſolved; and to this end did the *Attorney General* and my Lord *Chief Juſtice* with all the Eloquence and Artifice as well as all the malice they are Maſters of, endeavour to make it uſeful and ſubſervient. *The Lord of Eſſex being committed to the Tower for the Plot, and killing himſelf there, was more*, ſay's the *Attorney General*, *than a thouſand witneſſes to open the eyes of the people, and confirm the belief of the conſpiracy.* * *There was Digitus Dei in it*, ſay's my Lord *Chief Juſtice Jeffryes*, *and enough to ſatisfie all the world of the Truth of the conſpiracy, that the Earl of Eſſex being conſcious of the great guilt he had contracted in being concerned in it, did rather than abide his Trial, and for the avoiding the methods of juſtice in his own particular caſe deſtroy himſelf.* The improvement of the Murder of that noble Peer to the eſtabliſhing the belief of a plot, gives no ſmall ground to ſuſpect who were the contrivers of his death, and upon what deſign they did firſt aſſaſſinate, and then endeavour to caſt and divert the infamy and guilt of it upon himſelf. But I hope they will from their own way's of argumentation, allow us the liberty of inferring, that in caſe my Lord of *Eſſex* was not *Felo de ſe*, that then there was no ſuch Proteſtant plot as they have filled the world with the noiſe of, ſeeing the only motives upon which they ſuppoſe and alledg' his having committed that unnatural fact upon himſelf, were the reproach and horror of that conſpiracy. Nay we doubt not, but that all the honeſt and diſintereſted part

* Braddon's *Trial p.* 3. *ibid. pag.* 63.

of mankind, will upon conviction of their having deſtroyed that innocent Gentleman, become fully ſatisfied, that there hath been no ſuch Treaſonable combination, as his Majeſties Miniſters have endeavoured to impoſe the belief of upon the Nation, but that all his Court and Popiſh Sham, and only deviſed and fram'd for ſubverting our liberties and Religion, by cutting off thoſe that had the integrity and courage to eſpouſe the protection and defence of them.

And as the end whereunto the unnatural death of my Lord *Eſſex* is applied and improved, ſhows by whom it was contrived and effected; ſo the *Tim'ing* of that murder, does further evidence and demonſtrate, where the guilt of it ought to be charged, and what ſervice it was calculated for the promoting of. For as if it had not been enough to murder *one* innocent perſon in a way of the moſt *barbarous violence* imaginable, they reſolved to adjuſt it to ſuch a juncture of time, as that it might ſerve to facilitate and compaſs the ruine of an *other* Noble Perſon in the way of their *Legal Form's*. And therefore no ſooner was my Lord *Ruſſel* entred on his Trial for life, upon an indictment of being guilt of that pretended conſpiracy for which the Earl of *Eſſex* ſtood committed, but they aſſaſſinated the *one* in the *Tower*, and immediately diſpatched away the news of his having murdered himſelf to the *Old Bayly*, thereby to amuſe and prepoſſeſs the jury, and byaz them to convict that *other* virtuous, noble and innocent perſon. And with what ſatisfaction in themſelves, as well as malice and artifice againſt the priſoner at the Barr, did his Majeſties Councel lay hold on the tyd'ings, and apply them towards the begetting a belief of the guilt of that admirable perſon who ſtood then arraigned, and whom they were at that very time harrangu'ing and pleading out of his life. As if it had not been enough to impreſs the minds of a jury ſufficiently prejudiced, and which to all mens knowledge was groſly partial, for the *Attorney General* to ſay, * *That my Lord Ruſſel was one of the Council for carrying on the Plot with the Earl of* Eſſex, *who had that morning prevented the hand of juſtice upon himſelf*; *Sir* George Jefferys comes after him, and adds in the winding up the evidence to the jury juſt before they went from the Bar, and without all doubt the better to mould and determine them to find the arrained perſon guilty, † *That there was nothing could be ſaid in favour of my Lord* Ruſſel's *innocency as to what he was accuſed of, but what might be more ſtrongly alledged in behalf of the Earl of* Eſſex, *who nevertheleſs from a conciouſneſs of being guilty of that deſperate conſpiracy, had brought himſelf to an untimely end, to avoid the methods of publick*

* *My Lord Ruſſels Tryal, p.* 38. † *Ib. p.* 59.

lick juſtice. Yea ſo evident was it to all impartial perſons, who were then preſent at the Tryal, that the Murder of the *Earl* of *Eſſex* was not perpetrated by himſelf but by others, and that it was time'd and adjuſted to that ſeaſon, in order to influencing the jury to give up my Lord *Ruſſel* with the more eaſe as a ſacrifice and victime to the rage of the Court; that a very noble Lord, who was always in the intereſts of *Whitehall*, and who was then very zealous in the proſecution of thoſe accuſed for the Plot, being at that time on the Bench, did upon the hearing of my Lord of *Eſſex*'s death, and who were then walking in the Tower when it fatally fell out, and upon obſerving with what diligence, care and artifice the news was brought into Court as my Lord *Ruſſel* was at the *Bar*, and how the Kings Council thereupon acted their parts, riſe up in great conſternation from the Bench where he ſat, and pulling his hat over his eyes preſs out of Court, ſaying he plainly ſaw the bottom of the buſineſs, and all the Myſteries wrapt up in it. And indeed ſuch influence and ſucceſs had the news of the *Earl* of *Eſſex*'s having murder'd himſelf, from the ſhame and horror he was under for being concerned in the Conſpiracy whereof my Lord *Ruſſel* ſtood then arraigned, that diverſe of the *Inqueſt* have confeſſed and acknowledged, that the Report of the Earl's death, eſpecially as improved and managed by the Kings Council, had greater power over their minds for the convicting him, than all the other evidence which was given, and that they do really believe they ſhould never have found him guilty without the intervention of that fatal ſtroke, and the crafty application which the Kings Council at Law made of it. But ſo far was the *Earl* of *Eſſex* from entertaining any foregoing thoughts of murdering himſelf, or from calculating the perpetration of it to that unhappy ſeaſon, that the very day before my Lord *Ruſſel*'s Trial, (being alſo the day before his own Throat was cut) he gave private directions to his *Steward*, to place himſelf with all the conveniency in Court which he could at the ſaid Trial, the better to take the evidence in ſhort hand, inſtructing him withall how he might afterwards convey it to him for his peruſal and to be made uſe of as he ſhould have occaſion. And as the *Earl of Eſſex* was a perſon of that ſedateneſs, honor and vertue, that no rational or good man can believe he would commit ſo horrid a crime upon himſelf; ſo ſuch was the entire friendſhip between *him* and my Lord *Ruſſel*, that we muſt renounce common ſenſe and reaſon, before we can admit that the *Earl of Eſſex* would be guilty of ſo heinous an injury to his deareſt and beſt Friend, as to calculate and adjuſt the murdering himſelf to ſuch a ſeaſon, which he muſt needs know would be too probable a means, to derive the deſtruction of a perſon whom he infinitely valued and loved after it.

Having now ſhown the end unto which the murder of this incomparable *Earl* was deſigned and adapted, and the improvement which was made of it, not only through endeavouring to eſtabliſh thereby the belief of a *Proteſtant Plot* in *general*, but to compaſs and facilitate the ruine of that religious and noble perſon my Lord *Ruſſel in particular*; we ſhall as a further inducement to perſwade and convince the inquiſitive part of mankind, that ſome about St. *James's* and *Whitehall* where the contrivers and authoriſers of that barbarous aſſaſſination, lay open and unfold the motive and pique upon which it was done, and what it was which gave the original riſe to ſome mens implacable malice againſt that loyal as well as virtuous perſon. And as it cannot be denied but this late Nobl' *Earl* had received Titles of honor, and places of Truſt, intereſt and advantage from his Majeſty; ſo it will be acknowledged that not only his Father but himſelf, had laid all the obligations upon the Crown, which it was poſſibl' for Subjects in way of Acting or Suffering to do. Nor is it leſs evident, that notwithſtanding both the *Father* my Lord *Capel's* Laying down his life for *Charles* the *Firſt*, and the Engliſh Monarchy, and his Son *Eſſex's* manifold ſufferings and ſervices for *Charles* the *Second* and the Royal Family; yet this honorable Perſon inſtead of quietly poſſeſſing any longer the juſt rewards of *his own* and *Fathers* merits, or enjoying any more the wonted ſigns of his Princes favour, was not onely debarred from, and deprived of the reſpect and confidence which his Majeſty had uſed to ſhow him, but was become the object of a great mans implacable hatred and boundleſs malice. For though the *Earl* of *Eſſex* was a perſon, whom nothing could corrupt from his loyalty to the King and the Eſtabliſhed Government; yet he was alſo a ſincere and zealous Patriot of the Laws and Liberties of the Kingdom, and a couragious Defender as well as owner of the Proteſtant Religion. And as he was none of thoſe mercinary, baſe, and timorous Lords, who would either connive at, or concur in the introduction of Slavery and Popery; ſo he was one of the principal of thoſe heroick and generous Peers, who had been active in detecting the Popiſh Conſpiracy, and who had laboured with the greateſt induſtry to prevent the effects of that helliſh conjuration of the *Vatican*, *Louvre* and St. *James's*, for the extirpation of the Reformed Worſhip, and the ſubverſion of the ancient Laws and Priviledges of *England*. And as he was known to underſtand more of the nature and extent of the Popiſh Conſpiracy, and who were concerned in it, and to what degree, than moſt perſons in the Kingdom either were or ever had oportunities for; ſo nothing can be more certain, than that as hereby he became the moſt dangerous man in the whole Na-

tion

tion to the Papists, but that he must consequently be the most special object of their jealousie, fear, and hatred. For as his publick Station in *Ireland*, as well as his having been long a Member of His Majesty's *Privy Council* in *England*, furnished him with manifold advantages, which others wanted, of knowing the tendency, and penetrating into the bottom of all the Designs and Counsels which have been carrying on against our Religion and Legal Government; so his scorning and abhorring to sacrifice his Conscience and Honour by either falling in with the Conspirators, or by avoiding to withstand and oppose them in their attempts for the introduction and establishment of Popery and Arbitrariness, made them to think of all ways and means how to destroy him And besides these forementioned advantages which he had above other men, of knowing all the dimensions of the Popish Plot; he received no small accession of light in that affair, by having been always a Member of those Secret Committees, which had the Examination of Persons, and Inspection of Papers, concerning that deviliſh Conspiracy. Nor was the *Earl* insensible of the danger he was in upon this account, and accordingly was wont sometimes to say to his intimate friends, that as generally all the Papists, and more particularly such of them as make the greatest figure in the Kingdom dreaded him by reason of the detection he was able to make of their horrid Machinations; so he could not be without apprehension, but that they would seek to destroy him in order to prevent it. Alas poor *Essex*, thy respect to some whom I forbear to name, made thee wanting to save the Nation and thy self, by revealing that while we had *Parliaments*, the knowledge whereof would have been a means to have prevented our ruine; and as thou art now ill rewarded for thy tenderness to those ungratefull men, so we are at once unhappily robb'd of the great *Instrument* that could have unmasked persons and things, and denied *Parliaments*, from whose legal Authority as well as united Counsels and Wisdom, we can only, under God, hope for the preservation of *England* from becoming the Seat of Popery, and the Theatre of Tyranny. Nor ought it to seem strange that the malice of the Papists, and of those who have conspired against our Rights and Priviledges, should transport them to that measure and degree of rage against a person, who had not only faithfully served his Majesty and the Crown, but from whom they could expect no opposition but what was founded in the authority of our Laws, and promoted in a Parliamentary way, and which the King himself is bound by his Oath as well as the duty and trust reposed in him, to second and give countenance unto. For besides diverse Gentlemen of that temper and character, whom they have destroyed or condemned by and

under a *Form* of Law, but indeed contrary to all the Laws of the Land, and againſt the worſt preſidents even in the moſt abſolute and deſpotical times; there may be ſeveral Gentlemen mentioned whom they have cut off without the *Form* of any Proceſs, meerly becauſe they either thought themſelves prejudiced and withſtood by them in their deſigns, or were afraid of them by reaſon of the diſcovery which they were able to give of their conjurations againſt the Kingdom, and of the villanies they had committed in ſubſerviency to the eſtabliſhment of Popery and Tyranny. For not to mention either the Condemnation of that moſt Honourable Perſon the Earl of *Argyle*, nor the Condemnation and Execution of that gallant Gentleman Collonel *Sydney*, nor the late Barbarity uſed againſt their ancient Servant Sir *Thomas Armeſtrong*, all which were directly repugnant to the Laws of the reſpective Kingdoms, and contrary to all proceedings in other criminal and capital Caſes; were not my Lord *Lucas*, Sir *Robert Brooks*, and Sir *Edmondbury Godfrey*, without being ſo much as arraigned or accuſed, murthered by them, only becauſe they either found them oppoſite to their Romiſh and Arbitrary deſigns, or knew them capable of revealing their helliſh Counſels and Actions againſt the Nation, the eſtabliſhed Government, and the Reformed Religion? What Family in *England* had done or ſuffered more for Monarchy, and for his preſent Majeſty as well as his Father, than that of my Lord *Lucas*, ſome whereof had ſacrificed their Lives, and all loſt their Eſtates and Fortunes, upon the alone ſcore and account of their Loyalty; and yet notwithſtanding all this, my late Lord *Lucas* could no ſooner declare his jealouſie concerning the entrenchments which were making upon the Laws of the Land, and with zeal and courage avow his integrity in the Proteſtant Religion, and his reſolution to aſſert by all legal ways the ancient Rights and Priviledges of *England*, but the Conſpirators againſt our Religion and Laws, contrived and reſolved the death of that worthy Patriot, and found means to poyſon him by ſuborned and hired inſtruments. And for Sir *Robert Brooks*, tho' he had not been called to that ſervice for the Crown, nor had the misfortune to ſuffer in that degree for the Monarchy, which the former noble Perſon had; yet he was never wanting in Loyalty to his Majeſty, but always ſerved him with faithfulneſs in his capacity, and upon all occaſions expreſſed the utmoſt readineſs to maintain and promote the greatneſs of the King and honour of the Throne; Nevertheleſs that worthy Gentleman had no ſooner ravelled into the *burning* of *London*, and traced that execrable deed to St. *James's*, which as Chairman of the *Committee* that was appointed to inſpect and ſearch after the Authors of that dreadfull conflagration, he had both

occa-

occasion and was justified by his place to do; but the Romish Faction who had perpetrated that horrid villany, took up a resolution to cut him off, partly in revenge of his zeal and service to the City and Kingdom in that matter, and partly to discourage others from medling in a point which so neerly touched some of the greatest, as well as to prevent the publication of the researches and discoveries he had made. And whereas Sir *Robert* upon an entertainment of apprehensions and jealousies in himself, as well as upon the warnings and informations he had received from friends, of a design against his Person and Life, did on the Prorogation of the Parliament withdraw the Kingdom to avoid their fury; yet these implacable and blood-thirsty men, who never pardon either those that actually have, or are in a capacity to injure them, hired assassinates to dog and pursue him whithersoever he went, who at last taking him at an advantage drowned him in a river where he was about to wash and refresh himself. And for Sir *Edmondbury Godfrey*, all that are not wilfully and perversely ignorant, are so fully instructed both of the barbarous murther committed upon that Gentleman, and from what motives and inducements, and by whose countenance and authority he was assassinated, that I shall not trouble my self or the Reader by enlarging on that villanous fact, which we have hitherto wanted the courage to make a person at St. *James's* answer for. Upon the whole, it can be no surprise to thinking and observing persons, to hear that the Earl of *Essex* was, by the Authority of a great Man, murthered and assassinated; seeing it is no more, than what he and our Arbitrary and Popish Ministers, have practised upon several others, whose opposition, power, wisdom and interest, they did not so dread and apprehend, as they did the zeal, courage, integrity, prudence, and figure as well esteem in the Kingdom, of that truly, great and honourable Peer.

As the *Topicks* which we have already insisted upon, administer sufficient ground to believe that the Earl of *Essex* did not murther himself, but was villanously assassinated by others; so it is rendred more plain and evident from the *Reports* which were spread abroad both of his death and the manner of it, before that barbarous Fact was committed, or at least before the Fame of it could reach the places where it was told and related. It hath been always esteemed a rational ground of accusing the *Spaniards* and *Jesuites* of the assassination of *Henry* the Fourth of *France*; * that the news of his death was not only reported in *Spain*, *Millan* and *Flanders* some days if not weeks before the miscreant *Ravilliack* gave him the fatal stab, but because a *Courrier* passing through *Luxemburgh* both related the news of

* *See Mezeray's Life of Henry 4.*

of his death a week before he was murdered, and had the impudence to declare that he was carrying the Tidings of it to the Princes of *Germany*. * The Committie of Parliament that had the examination of the burning of *London*, *Anno* 1666. judged it no small evidence that the City was burnt on design, and through the treachery of the Papists, that the news of it had not only been reported in diverse parts of *England* before that fatal conflagration fell out, but written from beyond sea as the discourse which the *Jesuits* entertained their favourites and privado's with. Nay it was both one of the first means of discovering by whose contrivance Sir *Edmundbury Godfrey* had been murder'd, and was also urged, and allowed upon my Lord *Stafford*'s Trial as a proof of the Papists being guilty of that assassination, that the news of Sir *Edmund's* being killed was related sixty or seventie mile off in the Countrey before it was known at *London* what was become of him. Nor indeed can it be imagined how matters of Fact, should come to be told, before they are acted or committed, but by granting that such things were resolved upon and designed, and that they came to be vented and talk'd off by reason of the blabbing humour either of some Persons accessory to the contrivance, or entrusted with the knowledge of what had been agreed unto and determined in more secret *Cabal's*. So that we may rationally hope, the ingenuous part of mankind will esteem themselves much enlightned in reference to the manner of the Earl of *Essex*'s death, and enabled to conclude who were the contrivers and perpetrators of the villanous assassination of that renowned person, if we represent unto them, with all the distinctness we can, the reports which went of it, both in City and Countrey before the Commission of the abominable Fact, or at least before the tidings could reach the places where it was spoken and discoursed. Nor will it be unfit to begin with that which a Woman of Quality hath related to diverse persons, and which she is ready to swear in the presence of any Magistrate when called thereunto, namely that being the day before the Earl of *Essex*'s death bestowing a visit upon some of her acquaintance, and there happening in that conversation a discourse concerning that unfortunate Gentleman Sir *Edmundbury Godfrey*, who because of the intelligence he had received from *Coleman*, as well as the Deposition made before him by Dr. *Oats*, about the Popish Conspiracy against the King and the Government, was barbarously murdered *Anno* 1678. a Gentleman then in company took the freedom and boldness to say *that there would appear on the morrow another S. Edmundbury Godfrey*. This though the Lady could not at that time fathom and comprehend, yet being surprised with the expression,

* *See the Information exhibited to the Committie of Parliament p. 5. a. 13.*

ſion, ſhe related it to her Siſter, that evening when ſhe came home. And upon hearing the next day that the Earl of *Eſſex* was murdered, and how it was reported, That he ſhould have cut his own Throat; the poor Lady, thô ſtrangely alarmed with the News, could not but immediately make this reflexion, That what ſhe had look't upon overnight as a Parable and Myſtery, was then deciphered and unriddled, and that the Earl muſt needs have come to that untimely end, by the Treachery and Villany of others. To this we ſhall ſubjoin what Mrs. *Mewx*, a Gentlewoman, who alſo lives in *London*, was ready to Depoſe upon Oath, relating to a previous report of this nature, at Mr. *Braddon*'s Trial. For being on *Thurſday* the 12*th*. of *July* (which was the day before my Lord of *Eſſex* death) travelling with her Daughter in a Coach from the City down to *Berkſhire*; ſhe is ready to ſwear that her Daughter then told her how ſhe had heard it reported, That one of the *Lords* committed for the late Plot had cut his Throat in the *Tower*. Which fully evidenceth, That there was a diſcourſe not only of his death, but the manner of it, antecedently to his Fatal and Tragical end. But the Daughter being with Child, and near her time, and therefore not daring to venture abroad, much leſs into the Court at Mr. *Braddon*'s Trial; my Lord *Chief Juſtice* would not ſuffer the Mother (thô ſhe was there and ſworn) to be examined, alledging, That becauſe ſhe could not Depoſe on her own knowledge, but only on the report of her Daughter, it was no evidence, and therefore againſt all judicial forms to admit it. But as Mr. *Wallop* well replied, * *It was evidence there was ſuch a talk*, previous to my Lord of *Eſſex*'s death, ſo I may add, That by conſequence he did not murder himſelf, but was aſſaſſinated by others. Nor was it only in and about the Town that my Lord of *Eſſex* was reported to have cut his Throat, at leaſt a day if not more before he came to his untimely end; but the ſame was diſcourſed of at a conſiderable diſtance in the Country, and related after the ſame manner and with the ſame circumſtances For one Mr. *Fielder*, a Shopkeeper, in *Andover*, a Town removed from *London* above fifty Miles; poſitively ſwears that it was talk't there the 11*th*. and 12*th*. of *July*, That the Earl of *Eſſex* had cut his Throat in the *Tower*, whereas he was not killed till the 13*th*. nor could the news arrive ſo far in the ordinary way of conveying Intelligence before the 14*th*. And the ſaid Mr. *Fielder* further avers, That this was ſo commonly diſcourſed of, from *Wedneſday* night till *Friday* noon, that he fully expected the confirmation of it by the Poſt-Letters, which were to arrive that day. But finding no mention in thoſe Letters of any ſuch thing, thô they all agreed in the relation of the Earl of *Eſſex*'s commitment to the *Tower*, he concluded

 there

* See *Braddon*'s Trial *p*. 48.

there could be no truth in the report, but withal wondred how such a thing came to be talk'd of. And therefore when the certain news of my Lord's death was brought to *Andover* about Saturday noon, by some Cloathiers that came out of *London* on Friday at twelve of the Clock, he could not but be amased at the report which had been current among them two days before. But my Lord *Chief Justice* was pleased to ridicule all this, when it was deposed at Mr. *Braddon*'s Trial, * *as a contrivance to deceive the King's Subjects, and to set us together by the ears, stiling it stuff, rak'd out of Dunghills, and pick'd up on purpose to kindle a fire, and set us all into a flame.* But can his Lordship think that his blustering, his impudence, and the huffing the World with foaming wrathful speeches, are enough to take off the positive testimony of an honest and credible person, and who had spoken of this report long before he thought any improvement would be made of it? Nor is it sufficient to blast the reputation of the Man, or detract from the Truth of what he swore, that he could not particularly name the persons that had reported it; because as he never expected to be called into question about it, so he had no occasion to recollect it, till he was served with a *sub pœna* to appear at Mr. *Braddon*'s Trial, which was above five Months after the time of the said talk and discourse. And besides how many things are there, which a publick Skopkeeper, as this person is, may hear his Customers speak of, which he would be nonplust to give an account of the Authors of at a weeks end? Nay by how much a Report is common, (as he says this was at *Andover*) by so much are we apt to neglect by whom it hath been particularly related. And the more our understandings are struck with the horror of a matter declared to us, the less do we advert by whom it is spoken, and the more unprepared are our memories to treasure up the names of the reporters. Nor was it at *Andover* only, that it was reported the Earl of *Essex* had cut his Throat, the day before he was killed; but the same story and cloathed with the same circumstances, was discoursed of before his death in divers other places. For I am not only credibly informed, That the Earl of *Essex*'s having cut his Throat, was reported on *Thursday*, being the day before his death, at *Warmister* in *Wiltshire*, which is distant from *London* about eighty Miles; but there is one *Thomas Cox*, who lives near *Bruningham*, that did positively declare, That the same was told him in that Town the 12*th.* of *July*, whereas my Lord was not killed in the *Tower* till the 13. And besides all this to evidence a Report of that Noble Person's being Murthered, previous to the commission of the Fact; there are two Informations more delivered upon Oath Mr. *Braddon*'s Trial, one by *Jeremiah Burgis*, that lives at *Marlborrough*, who

* *Bradd. Trial p.* 38, 39.

who ſwears that he heard it at *Frome*, a place 90. Miles from *London*, the very day that the Earl of *Eſſex* died; and another by one *Lowes* that lives at *Marleborrough*, who depoſeth, That being riding on the Road within three or four Miles of *Andover*, on *Friday* in the Afternoon, the ſame day that the Earl of *Eſſex* was murdered, he was told by a perſon, whom he fell in with on the way, That the ſaid Earl had cut his Throat in the *Tower*. And notwithſtanding all the affronts and diſcouragements put upon thoſe two Witneſſes whileſt they were giving their Teſtimony, and notwithſtanding all the ſcorn and contempt wherewith * Sir *George Jeffery*'s endeavoured to expoſe and ridicule what they Depoſed; yet I dare venture their Informations upon the Faith of all indifferent and ingenuous Men, whether they do not abundantly prove that there was ſuch a Report ſpread abroad antecedently to my Lord of *Eſſex*'s death, or at leaſt before the tidings of it could reach ſo far, as that he had cut his Throat in the *Tower*. Only I ſhall crave liberty to make two or three reflexions on theſe Depoſitions, and they ſhall not only be natural and eaſie, and far from being wreſted and extorted out of what was ſaid, but they ſhall be ſuch as muſt neceſſarily beget and ſtrengthen a belief that my Lord of *Eſſex* did not murder himſelf, but was through the contrivance and malice of others barbarouſly aſſaſſinated by the hands of Ruffians and execrable Villains. And the firſt is, That it ought to be reckoned as a wonder, and aſcribed only to the over-ruling Providence of God, that will not ſuffer a Crime ſo hateful to Heaven, and ſo ruinous to Humane Society, to fall out without leaving ſome prints and footſteps by which it may be traced and detected, that a Crime ſo enormous in it ſelf, ſo provoking and exaſperating to Mankind, and which the Authors of, and Actors in, would be loth to bear the ignominy, and undergo the puniſhment, that ſo horrid a guilt ſubjects them unto, ſhould be communicated to ſo many and ſo commonly talkt of before the Fact. But by how much Revenge is one of the ſweeteſt paſſions, and moſt grateful to depraved nature, by ſo much hath it a power and vertue in it, to cauſe Men to open and unboſome themſelves, from the ſatisfaction which it yields, and the delightful guſt that it affords them. And thô the *Papiſts* were at that time exceedingly tranſported with joy, partly through their having ſhamm'd a Plot upon the Proteſtants which they ſuppoſed would extinguiſh the remembrance of their own, and partly from the hopes they had, of appeaſing the Ghoſts of their *Tyburn* Martyrs, with the Blood of *Engliſh* Hereticks; yet they could not but be uneaſie in their minds, to think that the Earl of *Eſſex*, whom they ſo peculiarly hated, and whoſe ability to unmask their de-

 ſigns,

* See *Braddon*'s Trial *p.* 37, 49, 50, 51.

ſigns, as well as intereſt in the Nation and reſentment for being committed, they ſo much apprehended and feared, ſhould be able to eſcape their hands, through want of evidence againſt him, which made it needful for the heads of the Romiſh Faction, to let their little clamours and talkative votaries know, how they had reſolved to uſe and employ force and violence for the deſtruction of that ſo much dreaded Enemy, whom mercenary Judges and ſuborned and pick t Juries would not ſerve to cut off in the way of Legal and judicial Forms. Nor is it improbable but that the Contrivers of this Noble Man's death, might have reſolved the execution and commiſſion of the Fact ſooner, and that the reaſon of adjourning it, was to adjuſt it to the ſeaſon of my Lord *Ruſſel's* Trial, thereby to make the murder of the *one* ſubſervient and uſeful to the death of the *other*; but that thoſe acquainted with the firſt Reſolution, had from a forwardneſs of obliging their friends, too haſtily given them intelligence of the thing as already done, when it was not as yet perpetrated, nor committed, by reaſon of the later Reſolution. The ſecond obſervation I would make upon the forementioned reports, is, That tho' they were vented by ſeveral perſons, yet they not only agreed in the matter of the Earl of *Eſſex's* death, but they accorded alſo in the way and manner of it namely, that he had cut his Throat. Which plainly ſhows that it was not vulgar Tattle vented at random, but that it had its foundation in a previous and fixed reſolution that he ſhould undergo that unhappy fate. Nothing but a ſteddy and determinate cauſe, can produce a ſteddy and determinate effect. Had the report taken its riſe in the jealouſies of his friends, or owed its birth to the fearful apprehenſions of the common people; they would have rather dream'd of his being poyſon'd, as being more ſafe for the Actors to perpetrate, and requiring the acceſſion of fewer hands, than have ever imagined that his throat ſhould be cut. It is impoſſible to conceive that the Reports of ſo many ſeveral perſons, ſhould not only agree in the matter of his death, but all harmoniſe and center in the very circumſtance of the manner of it; unleſs it had originally proceeded from ſuch as had contrived and determined both the murder it ſelf, and the way wherein it ſhould be committed. For when reports have their foundation only in mens fancies, they will always vary according to the different tempers, paſſions and complexions of the Reporters. The third deduction which I would infer from the premiſed Reports, is, That they could not be fictions and forgeries of Lyers and People Romantickly diſpoſed. For how could ſo many perſons, and at ſuch diſtances from one another, and betwixt whom there was never any correſpondence, agree and combine together to impoſe upon the World, and to abuſe the Faith of Mankind? And as they all ſeem

to

to be persons who abhor tricks, and who would not be guilty of spreading, much less of raising a false Report? so it is beyond the wit of man to declare, how it should come to be the interest of *Gentlewomen*, and *Country Tradesmen* to be the Authors of such a Story that my Lord of *Essex* had cut his throat before it was done. And for any to imagine that the *Fanaticks* were the framers of it, is to represent them not only wicked but foolish, and to suppose they would disserve themselves, as well as slander and reproach their noblest and best friend.

And what clearer evidence, or greater confirmation can there be, of the Earl of *Essex*'s not having been *Felo de se*, but treacherously murdered by others, and that they who were the Authorisers of that horrid assassination, are persons of great power and interest at Court; than that there have been Letters sent and proposals made to some noble Lords near the King, that his Majesty will but grant a pardon to two or three men who shall be named when that grace is indulged, and that then the whole intrigue and mysterie of that hellish contrivance shall be discovered, and the contrivers as well as perpetrators of it particularly detected, with a full account of all the circumstances of its execution. 'Tis true I dare not affirm, that those Letters have been shown to his Majesty, or any intercession used with him in pursuance of that overture and proposal; but this I may justly say, that if they have neglected it, they must needs either know or suspect, that there are persons of too great power as well as quality interested and concerned in that execrable villany. For we can suppose no other motive, upon which men of honour would decline a service so acceptable to God, and whereby they might avert wrath not only from the Throne and Kingdom, but from their own persons and families, through bringing enormous offenders and execrable assassinates to punishment. But alas! that apprehension they are under, of deriving trouble and destruction upon themselves, instead of being able to expose the Malefactors to justice, frightens them from the discharge of that duty which they owe both to God and Men. The having heard what a Great Man should say in reference to Mr. *Braddon*, namely, *that he was ravelling into such a business, but that he was resolved to ruine him if all the Law of* England *would do it*; makes every man affraid as well as sensible what he may encounter if he have the boldness to interest himself in this affair. O degenerate off spring of brave and heroick ancestors! were it not much more eligible to run hazard by acquitting your selves as persons of honour in discharge of your duty, than to seek for safety by involving your persons and posterity under the guilt of that abominable and villanous Fact. And besides, can they otherwise hope, than that through conniving at so hor-

rid a murder committed upon another person, and one who was of a rank and condition equal to themselves, they shall at last undergo the same or the like fate, whensoever they have the unhappiness and misfortune to fall under the wrath of a certain Gentleman at *St. James's*. But over and above the two Letters that were sent to noble persons very near the King to be communicated to his Majesty, there was another Letter addressed to the *Countess* of *Essex*, and in order to the being conveyed to her Ladyship, directed to be left with one Mr. *Cadman* a Bookseller in the *New Exchange* in the *Strand*; the Tenor whereof was, *that if her Honour would prevail with the King for a pardon, to one that would discover how my Lord came by his death, or obtain of his Majesty a proclamation, assuring forgiveness to any who should come in and detect by whom and after what manner my Lord was murder'd, that upon either of those securities, the way of the Earl of Essex's assassination, should be revealed, and laid open with all its circumstances.* This Letter was in August last brought by a young woman to Mr. *Cadman's* Shop, who finding him sleeping on the inside of his Counter, told him that she had brought him a Letter directed to my Lady *Essex* concerning my Lords death, which she desired he would read, being to that end left open and unsealed. But *Cadman* being drowsie and still inclined to sleep, instead of taking notice what she said, thrust her from the Counter as an officious and troublesome person, and commanded her to goabout her business. Yet having after his being throughly awake both perused the Letter, and considered the importance and consequence of it, he judged himself in prudence obliged to carry it to a Magistrate, which accordingly he did to one *Hinton* a Justice of Peace in *Covent Garden*, who as I have been credibly informed went with it to one of the *Secretaries* of *State*. This Letter as is most justly conceived was written by *Bomeny*; forasmuch as he not only seemed about that time to be under some Remorse in reference to the death of my Lord, but because some of *Bomeny's* handwriting being shewed to Mr. *Cadman*, it appeared to him according to the best of his remembrance and judgment, to be the same hand, or at least very much like unto that which the letter was written in. This much is plainly evident that it must have been written by one that was willing to be known, seeing it was both sent open and by a person that was able to declare of whom she had received it. For had the writing of this Letter been only a contrivance to avert the infamy of my Lord's death from himself, and deliver those Gentlemen accused for the Plot, from the consequences unto which the Earls imagined murdering himself was improved against them; it would never have been left unsealed for Mr. *Cadman* to read, nor sent by a person that was acquainted

quainted with the contents of it, as it plainly appears the bearer was; but would both have been ſealed, to prevent *Cadman's* looking into it, and conveyed by a porter or ſome ſuch hand, that would have been leſs lyable to be queſtioned either about the contents or the Author of it. Nor does any thing more amaze and aſtoniſh thinking people, than that notwithſtanding the many Reports, as well as Univerſal jealouſies, of my Lord of *Eſſex* being murder'd in the *Tower*, yet all this time his Majeſty hath not publiſhed one word to encourage an inquiſition into the manner of his death, or to ſecure a pardon to ſuch as ſhall be able to diſcover whether he was aſſaſſinated, and by whom and after what manner he was brought to an untimely End. For conſidering the obligations which the King and the Royal Family lay under to the late Earl of *Eſſex*, as well as to his Father my Lord *Capel*, and conſidering the many aſperſions thrown upon the Court in relation to the death of the ſaid Earl; it hath been expected that his Majeſty as well in juſtice to the Family of the *Capels*, as in vindication of his own honour from the infamy of having a perſon of my Lord *Eſſex's* merit and figure aſſaſſinated in his Majeſties priſon and Palace, would have iſſued out a proclamation aſcertaining forgiveneſs to any that ſhould be able to prove his being murdered by others, and that he did not deſtroy himſelf as ſome people have been induſtrious to give out. And that which encreaſeth the ſurpriſe and wonder, is the conſideration of the forwardneſs which the King hath expreſſed in ſome other caſes, for the detection of murders of this nature. For beſides the tender of a pardon, there was the promiſe of 500. l. to any who ſhould diſcover the murder of Sr. *Edmondbury Godfrey* and reveal the miſcreants by whom he was aſſaſſinated. And I would be loth to think, that his Majeſties proceeding ſo differently in that caſe, from what he hath done in this, was rather to be aſcribed to his apprehenſions of a *Parliament* which was then in *Being*, than to his love of juſtice or the deſire of delivering the Nation from the guilt of innocent blood. But I am willing to believe that the reaſon why the King doth not encourage the diſcovery of this late murder of my L. of *Eſſex*, ariſeth from the fear he is in of the perſons that were acceſſory to it. For in caſe he would authoriſe the detection of the Aſſaſſinates of this Noble Earl, he will find himſelf obliged, not only to bring the *Earl of S.*— and my Lord *F.*— but his *Royal* and dearly beloved *Brother?*——*D.*———of *Y.*——to puniſhment. And who knows but that he dreads leſt in calling theſe Gentlemen to account for cutting the E. of *Eſſex's* throat, He too much hazard and expoſe his own? Nor is it at all ſurprizing, that the King who had not courage to reſent the poyſoning his own *Siſter* by her husband the *Duke* of *Orleans*, at a juncture when He might have made *France* feel the effects of his juſtice and diſpleaſure; ſhould not have the bold-

boldneſs to queſtion his *Brother* and other principal perſons of the Popiſh Faction for the aſſaſſination of *Eſſex*, eſpecially at a time that he hath diveſted himſelf of all power to hurt them, and by ſeeming offended may only ſtir up their wrath againſt himſelf. For I remember, that when the late *Sr. Thomas Armſtrong* had come poſt from *Paris*, to give his Majeſty an account how *Orleans* had poiſoned the Princeſs *Henrietta*, that he only replyed, *Orleans* is a Raſcal, but pray thee *Tom* do not ſpeak of what he hath done. Yet that his Majeſty may not excuſe himſelf hereafter from cauſing further inquiſition to be made after my Lord of *Eſſex*'s death by ſaying he never heard otherwiſe but that he murder'd himſelf, I do therefore tell his Majeſty, and publiſh to all the World, that if he will grant an *indemnity* and protection to *three* or *four* perſons, we ſhall fully and evidently prove a Great Man, the *Earl* of *S.*——my Lord *F.*——&c. to have been the contrivers and Authoriſers of it, and ſhall name the *Ruffians* in particular, who were employed to perpetrate the helliſh and execrable Fact, with an account of the ſeveral ſums of money which they had for the execution of it. Nor ought his Majeſty to be diſpleaſed, that I arraign his *Brother* and principal *Miniſters* of ſo enormous and bloody a crime; for as I write nothing but what I can fully juſtify, ſo I take the boldneſs further to tell both him and them, that if ever there come a *Parliament* in *England*, this matter ſhall be laid fully open, and juſtice demanded againſt theſe impudent and enormous Offenders.

And as if it were not enough to evidence the E. of *Eſſex* did not murder himſelf, but was barbarouſly aſſaſſinated by others, that no encouragement hath been given for the diſcovery of the Authors of that villanous Fact, notwithſtanding all the rumours and Reports which have run to and fro, both of the Manner of his death and the Actors in it; it receives both a further and a very convincing acceſſion of proof from this, that all means have been uſed to deterr men from enquiring into that matter, and to prevent their detecting what they may know of it. The paſſages to this purpoſe would fill a volume meerly to relate them, and therefore I ſhall confine my ſelf to two particulars, which I ſhall endeavour to deduce and repreſent, with all the brevity as well as clearneſs I can. Nor can it in the *firſt* place, but aſtoniſh the world, to find the *Judges*, with whom the adminiſtration of law and juſtice between the King and his people is truſted, I ſay to find them, contrary both to the nature and End of their office, and the Oaths they have taken of acting impartially, to *brand* the medling in the matter of the E. of *Eſſex*'s death, as a Reflection upon his Majeſty, an Affront to the Government, and a deſign to involve and embroil the Nation in trouble. For not only the *Attorney General* ſtigmatiſeth the report and belief of the *Earl's* being murdered

by

by villanous hands, as * *the throwing that ill thing upon the Government which he had committed upon himself*, but my Lord *Chief Justice Jefferies* is pleased to stile it *a libelling of it, and to have been forged in order to beget heart-burnings and jealousies in the Kings Subjects against the Government, and to raise Sedition.* Whereas the Government would never have been charged with this horrid Guilt, tho some at the head of affairs might possibly have been accused of it, had not these *Gown-men* involved the Government under the infamy and aspersion of it, and done all they can to teach others to lay the barbarous Fact at that Door. For as it is not the first time, that a Prisoner hath been murdered in the *Tower*, so it was never till now called a Reflection on the Government, to endeavour to prove that such or such a person was destroyed by violent and bloody hands, even of whose death the *Coroners Inquest* had upon their inquisition given an other *verdict*. Nay when the chief Favourites of our Princes and first Ministers of State, have been accused as guilty of murdering a Gentleman imprisoned in the *Tower*, whom the *Coroners Jury* had on their *Inquisition* declared to have died a natural death; yet it was not thought to be an impeachment of the Government, or a devolving the guilt of that bloody crime upon the King. Of this we have a famous instance in *Sr. Thomas Overbury*, who being committed Prisoner to the *Tower* in the Reign of King *James*, and there *poisoned* by the contrivance and instigation of the Earl of *Sommerset*, *&c.* (that was then chief Minister as well as principal Favourite) was brought in by the Coroners inquisition to have died a natural death. And yet it was thought no dishonour to the Government, to have the death of that Gentleman afterwards enquired into, and to find it proved contrary to the *Coroners Inquisition*, that instead of dying a natural death, he was basely and treacherously murdered by Villanous hands, through the accession and contrivance of him whom he had faithfully served, and with the consent of those to whose care, trust and custody he was committed. Nay, was it not a great Vindication of the honor of the Government, and an eminent Declaration of the Justice of the Nation, to have the *Lieutenant* of the *Tower*, and *four* or *five* meaner *persons* executed, and the Earl of *Sommerset* and his *Countess* convicted and condemned for that bloody and barbarous Fact, which the *Coroners Inquest* had acquitted and absolved all the world from the suspition as well as the guilt of? And what an injury will the *Judges* of the *Kings Bench*, and his Majesties *Counsel* at *Law*, be found to have done the King and the Government, by their foolish as well as wicked expressions, if at any time hereafter it come to be proved (as certainly it will) that the Earl of *Essex* did not murder himself,

* *See Braddons Tryal, p.* 3, 20, 60.

ſelf, but was aſſaſſinated by a company of hired *Ruffians*. We ſhould be loath in that caſe to claim the right of their way of Argumentation, and to inferr that becauſe my Lord of *Eſſex* was murdered in the *Tower*, and at a time * *when the King was walking there*, that therefore not only the *Government ought to be charged with it, but that the King himſelf had a hand in, and had deſigned it*. Tho I muſt ſay that according to their method of reaſoning, it will be impoſſible in that caſe to avoid ſuch a deduction. However it is a convincing proof, that the ignominy and guilt of this Noblemans death, ought to be aſcribed to others than himſelf, that the Judges and the men of the long Robe, can find no other way to ſtifle the ſuſpition, and ſilence the clamor of the People, but by interpoſing the Government as a Skreen to ſhelter Malefactors from Accuſation, and abuſing the Authority of the Kingdom, to deter men from the duty which they owe to God and his Majeſty in diſcovering ſo execrable a murder. Nor is this the only way and method they have taken to frighten and diſcourage Perſons from diſcourſing of the Earl of *Eſſex*'s being deſtroy'd by others, without any acceſſion or contribution of his own to his death, but they have laid their commands and injunctions upon ſuch as they have power and authority over, and whom they thought conſcious either to the manner of that Noble *Peers* fatal End, or capable of detecting any circumſtances which might let in light upon that affair. And therefore knowing that the *Soldiers* who were upon *Duty* in the *Tower*, that morning when the Earl of *Eſſex* was killed, had not only taken notice of ſeveral Perſons, and made Obſervation of diverſe things, from which both the murder of that vertuous Lord might be inferred and concluded as well as by whoſe hands it was perpetrated, but *that* divers of them had talkt too freely and laviſhly of it abroad as well as among themſelves; accordingly on the *Saturday* morning (being that which immediately ſucceeded to the day of the Earls death) did a Military Officer after *They* and other *Soldiers* were called together, charge them with the higheſt threats and menaces, that they ſhould not dare to ſpeak of what they had ſeen or heard the day before, adding that whoſoever ſhould be known to divulge what had paſſed in the *Tower* on the *Friday* in the forenoon ſhould ſeverely ſuffer for *it*. This divers of *the Soldiers* have confeſſed and related to their friends, who are willing to teſtifie it when occaſion ſerves. And among others, one *Robert Meak* (of whom I ſhall afterwards have occaſion to ſay ſomewhat more) declared the whole of this paſſage to *two* men that are ready to ſwear *it*, whenſoever their Depoſitions may be of advantage *to the* publick, and can be made without expoſing themſelves to ruin. It will *not* be de-

* *Braddons Tryal p.* 4. 60.

denied by rational men, but that the *Souldiers* who were then upon Duty in the *Tower*, had advantages of knowing more in reference to the Earl of *Essex* death, than most other persons can pretend unto; seeing that as some were so posted as both to see all that went into his Lodgings, and to hear the noise and bustle which was made in his Chamber upon his resistance, and the force and violence which the miscreants used towards him; so others were placed in that manner, as to observe whence and from whom they came, and whither and to whom they returned, that were employed to commit the Hellish and Tragical deed. Nor can any suspect, that men who march under the Ensigns of his *Majesty*, should forge a story so much tending to the dishonor of a *great man*, and the Kings *Ministers*, and so likely to displease persons *that* had power to cashier, and *otherwise* punish them as *this* of my Lord *Essex* not *cutting* his *own* Throat, but being Assassinated by others, was *adapted unto*, and would infallibly do. Yea, I do affirm with all the Sacredness which becomes a Man and a Christian in a *matter* of this weight and importance, *that this* is no Calumny imposed on the Souldiers and *their* Commander, in order *to traduce the Government*, and enflame the Kingdom. *but that whatsoever* is here affirmed, is *built* upon *the* greatest moral certainty, *that* an Affair of *this* nature is capable of. And all I do desire in order to *the* justifying what I have now *related* and declared, is only *that* his Majesty would cause order a *writ* of *Revieu*, or *melius Inquirendum*, to be issued *out*, with an assurance of pardon *to* such as shall be willing *to* come in and be able *to testifie* by whom and *after* what manner *this* Noble Lord was *Assassinated* and *Murdered*. Nor can his *Majesties Ministers* escape *this Dilemma*, either of lying under the infamy of being conscious of, and accessary *unto* the *assassination* of *that* Honorable person, or of being obliged to *obtain* a *Revieu* of this *matter*, with a promise of *indemnity* to *those* who shall appear witnesses and be able *to* give evidence in the case. And I shall take the *liberty further* to say, *that* it is not only the *duty*, but the *interest* of *those* very *Ministers* who may not be directly concerned in the *Guilt* of my Lord of *Essex* blood, to *promote* and *second* this *overture* and *proposal*, and *that* not only for *the* Honor of the *Government*, but for *their* own *Vindication* from being accessary to so enormous and *detestable* a Crime. For *the* time may possibly come, *that* their meer connivance *at* the concealment of *this* murder, may rise in judgment against *them*, and render *them* more lyable to *punishment*, than *they* seem at *present* to apprehend. Our Laws which expresly requires *the* least Officers in *the* Common-wealth, *to* pursue *Robbers*, *Fellons*, and *Murderers* with *Hue* and *Cry*, or *otherwise* makes *them* obnoxious to *penalties*; never intended *that privy*

Councellors who by the duty of their place are to watch and advise for the *benefit* and *safety* of the *Subject*, as well as the *preservation*, and *honor* of the *King*, should be esteemed Innocent and not be liable to any punishment by Law, tho they be found to connive at the destruction of his *Majesties people*, and at the involving his *Person* and *Government*, under an indelible reproach and infamy. And therefore tho it cannot be supposed that those of his *Majesties Ministers*, who are directly criminal, by contriving and commanding this *Murder*, should countenance or encourage an inquiry into and a detection of it; yet it may not only be exspected, but ought to be claimed of the *Marquis* of *Hallifax*, the *Earl* of *Radnar*, my *Lord Falconbridg*, and some others, who have still the priviledge of being in the publick manage of *Affairs*, and admitted to sit in his *Majesties Councel*, that they would not both to their own danger and dishonor, as well as the prejudice of the King in his reputation and safety, continue to connive at this Excrable and Barbarous Murder, but that they would apply themselves, as becomes the duty of their places and the regard they ought to have for their own honor, to obtain of his Majesty what is here desired, in order to the detection of the assassination of my *Lord Essex*, and the bringing the Malefactors to undergo that severity which the Justice of the Law subjects them unto.

But as if the precedeing *Topick* did not administer sufficient Evidence, that the E. of *Essex* was assassinated by others, howsoever his memory comes to be branded for cutting his own Throat; there is a further proof ariseth in confirmation of it from this, that they have not only discouraged and frighted such as might be willing to lay open the whole Mystery of that diveliſh work of darkness; but they have beyond all law and president, persecuted and oppressed those, who were either found inclined to inquire into the manner of that honorable persons death, or to have vented what they had heard which might give suspition of his being brought to his End, by the treacherous villany of bloody miscreants. Nor shall I here enlarge on the proceedings against old *Mr. Edwards* the Custom-house Officer, who besides his being shamefully upbraided and slandered by my *Lord Chief Justice* at the Trial of *Mr. Braddon*, was afterwards turned out of his place where he had served for 29 years, and for no other crime but affiring his Boy had said he saw *a bloody Razor thrown out of the E. of* Essex's *Window immediately before the noise of his Death*. But that which I shall more largely insist upon, is the course and method that hath been steered towards * *Mr. Braddon* himself, which as it is without all president, so it hath been extravagant and arbitrary in the highest degree. All who understand any thing of

he

* *Braddons Trial*, p. 11, 12, 13, 14, 15, 16, 17.

the Law of *England*, know that in all *Cases* and *Indictments* of Murder, except upon *Appeals*, the *Charge* and *Accusation* not only runs in the *Kings* Name, but he is according to, and in the sense of the Law, the proper *Plaintiff*. And there is this reason for it, because as others through the death of the person destroy'd, may have lost a *Relation*, *Acquaintance*, or *Friend*, so the King alway's loseth a *Subject* from whom he was to have Allegiance and Service, and whom by vertue of his Office he was trusted with the *care* and *protection* of, and in the Sense and esteem of the Law made responsible for. It was upon this account that the Conspirators against the life, and Authorisers of the Assassination of this *late* Peer, and to prevent the advantage and benefit, which *Mr. Braddon* would have had in bringing an *Indictment* of *Felony* and *Murder* against *Bomeny* and others, took the start of him and caused an *Information* to be *preferred* against him, *of subornation and spreading false Reports, whereby to bring the Government of the King into hatred, disgrace and contempt.* And by this means they did not only obstruct, the Kings * being made *Plantif* and *party* against the murderers, which he must have been in case way had been given to *Mr. Braddons* getting any of them Indicted, but they commence an *Action* against that poor *Gentleman*, wherein they make the King *party* and *Plantiff* against him, and in effect no less than *Advocate* und *Voucher*, for the *Innocency* of those that were to have been Indicted for a most execrable and barbarous *Assassination*. Which as it was a most divelish *Artifice*, for the oppressing an honest *Gentleman*, who had done nothing, but what he was bound unto, in Conscience to God, and duty to his Majesty; so it was a most villanous and enormous crime against the King *through* making him to be the *Skreen* and *Patron* of *those*, of whom he should have been the *prosecutor* and *punisher*, and at the same *time* to be the pursuer and ruiner of a *worthy person*, whom he was bound to have *countenanced*, *encouraged*, and *protected*. It would fill a whole Volumn to relate the *severities* which *Mr. Braddon* hath *encountred*; and upon no other score, but because he was willing in order, to delivering the Throne and Kingdom from the *Guilt* of *Innocent Blood*, to gather up such *Informations* as might have served to convince the King of the murder *committed* upon the E. of *Essex* while he was in a special manner under the *protection* of his Majesty and the Law, being not only a Prisoner, but standing *committed* to the *Tower* of *London*, where-with respect to the quality of the place, *Captives* ought to be supposed more safe from violence than in other Prisons. But as it is not yet a season to *present* the world with a History of the Sufferings of this Honest and Ingenious *Gentleman*; so it were but to en-tangle and perplex the affair I am upon, to inter-

* *Braddons Trial*, p. 1, 2.

interweave it with a large narrative of another mans troubles, tho they all ſprung from his being concerned in enquiring and diſcovering, how and by what hands and means this noble Man was *brought* to ſo *fatal* and *untimely* an End. I ſhall therefore only briefly intimate ſome few things, which may ſerve to enlighten and confirm the *Tipick* and Head which I am now diſcourſing from. And whatſoever proves the ill treatment of thoſe, who keeping themſelves within the bonds of loyalty and modeſty have endevoured to detect the Aſſaſſination of that honorable perſon, does by conſequence demonſtrate that he was not *Felo de ſe*, but that he was *Murdered* by the malice and violence of other men. The firſt unexpected entertainment which this Gentlemen Mr. *Bradden* met with, was his being taken into Cuſtody, and carried before the *Council*, on his having gone to *White-hall* to wait upon my Lord *S.* in order to inform his Lordſhip what a certain Boy (whom he took thither along with him) had reported concerning a *Razor*, which he ſaw thrown out of the Earl of *Eſſex* Window, immediately before the noiſe and report of his Death. And not to mention what other Treatment he met with there, which ſome of the Honorable Menbers of that Board themſelves, have declared to have been very unbecoming his Majeſties preſence, and no way's agreeable to the gravity, wiſdom and honor of ſuch an aſſembly, he was required to give 2000 *l.* Bail to anſwer an *Information*, for having *ſuborned* the Boy; a thing very unſuitable to the ſervice he had been performing for the Honor of his *Majeſty* and the *Government*, and very ſurpriſing to all *indifferent* perſons that heard of it. And tho this poor *Gentleman* was diſcharged at that *time* and reſtored to his *liberty*, upon giving the forementioned 2000 *l.* Bail, to anſwer the ſaid *Information*; yet his troubles did not *end* and *terminate* here; but this was rather only a commencement and beginning of the hardſhips and oppreſſions which he was to meet with, for having had the honeſty and courage to appear in a buſineſs, which ſo neerly affected a great man, and ſo many of his *Majeſties* principal *Miniſters of State*. For though they had laid him under a neceſſity of making all the proviſions he could, for *Vindicating* himſelf from being the Author and Forger of that *Report*, concerning a *Razor's* being thrown out of the E. of *Eſſex* window juſt before the cry and noiſe of his *death*, being that which gave the *ſuſpition* of my *Lords* being murdered by *violent*, *treacherous* and *bloody hands*, and that he did not *deſtroy himſelf*, as was endeavoured to be *obtruded* and *impoſed* upon his *Memory* and the *Faith* of the *Nation*; yet *Mr. Braddon* was no ſooner gone into the *Country* to enquire into the truth of an other *Story*, which very much *ſtrengthened* and *confirmed* the ſuſpition and jealouſie that my

Lord

Lord was not *Felo de Se*; but this poor Gentleman fell into new troubles, and found perſecution and oppreſſion awaiting him whitherſoever he went. For having received intelligence from a friend, *that on the very day on which the Earl died, it was reported at* Marleborough, *that my Lord of* Eſſex *had cut his Throat in the* Tower; he judged it very uſeful and ſubſervient both to the acquitting himſelf from *the* Slander of being the firſt Author of the Report *that my Lord was murdered by others*, and alſo to the evidencing and clearing up that he really was ſo, to ſearch into the truth of that Information which his Friend had given him, and to learn out the perſons to whom that News had been told, and know if poſſible the names of thoſe who had related it. But while he was going in the ſearch and purſuit of this, which his being obliged under the *Penalty* of 2000 *l.* to anſwer an Information of Subornation, had made an act of Juſtice to himſelf as well as a duty of God and his Country, behold the poor Gentleman was apprehended and committed to *Fiſherton Goal* in *Wiltſhire*, by a *Warrant* the moſt illegal for the *Form* as well as the *Matter* that ever any man was ſent to Priſon upon. For what could be more extravagant and illegal *than* to ſeiſe and commit a Gentleman *travelleng* peaceably on the road, without an *Oath* or depoſition of any witneſs againſt him, meerly upon a groundleſs and naked ſuſpition of being a dangerous and ill affected man to the Government, and for having two Informations about him, relating to a *Razors* being thrown out of my Lord *Eſſex VVindow* before the news of his death was divulged, and for carrying two Letters, whereof the contents of one he knew not, and the contents of the other could adminiſter no juſt offence. But the *Form of the VVarrant* was more extravagant, arbitrary, and illegal than the *matter*, carrying in expreſs words this order and command to the *Goaler*, namely, *That he ſhould* Lawrence Braddon *ſafely keep, till he ſhould receive further Order from the King and Privy Councel.* Which *VVarrant* had the *Goaler* been as mad and fooliſh to obey, as the officious and doating Juſtice was *to write*, the poor *Gentleman* for any foundation of relief *that* was left him in *the Mittimus*, might have lain in Priſon all the days of his life, unleſs *the* King and Councel ſhould have ordered his Releaſe and Diſcharge. But *Mr. Braddon* knowing *both* his own *Integrity* as *to the* Buſineſs he was going upon, and his Innocency as to any crime the malice of his Enemies could charge him with, ſued *out a habeas corpus* to be brought to *London* before ſome of the Judges, *in order to be Bailed.* But alaſs! being arrived there, none of the *Judges of either Bench*, nor *Barons of the* Exchequer were in Town, ſo *that* he was *neceſſitated to* deſire the *Goaler to* carry him before my *Lord K.* which the *Goaler* having accordingly done, his

Lord

Lordſhip inſtead of admitting the Priſoner immediately into his preſence, and allowing him the benefit of the *Statute*, was pleaſed to adjourn the ſeeing him till the next day, with a command that he ſhould be then brought to the *Councel Chamber* at *Whitehall*. Whither being in obedience to the ſaid Order carried, he was after an hours waiting called in before my *Lord*, and found together with him my Lord *Privy Seal*, my Lord *Duke* of *Ormond*, and Mr. *Secretary Jenkins*. It would be both to enlarge theſe Papers beyond the bounds allowed to them, and to depart too far from the eſſential part of the ſubject I am upon, to relate the whole entertainment, which I have been told Mr. *Braddon* did there meet with. Only it may not be amiſs, to reminde my *Lord K.* of a Verſe that he quoted out of *Juvenal*, and to ſubjoin the Tranſlation of it into Engliſh, as a certain Author hath rendred it. For having upbraided the poor Gentleman as one that had a deſign to raiſe and advance himſelf by ſiniſtrous courſes (which God knows the endeavouring to detect the Earl of *Eſſex* Murder, was not as the preſent poſture of Affairs ſtands, a very likely method unto) he quoted that of the Poet to give an edg to his *Irony* and *Sarcaſm*:

Aude aliquid brevibus Gyaris, & carcere dignum,
Si vis eſſe aliquis.
Dare once but be a Rogue upon Record,
And you may quickly hope to be a Lord.

But his bitter and contemptuous Language, with all his other ungentile as well as illegal Treatment, might have eaſily been diſpenſed with; had not his Lordſhip refuſed him the benefit of the *Statute* of being *admitted* to be *Bayled*, unleſs he would procure *Sureties* who together with himſelf might ſtand bound in 12000 *l.* for appearance. A thing ſo exorbitant, conſidering the quality of the Priſoner, as well as unjuſt conſidering the nature of *that* which they ſtiled his offence, that he had both acted unwiſely ſhould he have engaged himſelf and Friends in Bonds ſo much above what he was able to diſcharge, and injuriouſly to others ſhould he have condeſcended to ſo illegal a demand, and which might afterwards be improved into a *preſident*. Whereupon finding after diverſe Applications, that his *Lordſhip* was not to be wrought to a mitigation of the 12000 *l.* and *that* he would not be prevailed on to take the 6000 *l.* Bail, which was offered; the Gentleman rather than be remitted again to Priſon in the Countrey, was forced to comply to ſtand committed to the *Meſſenger*, Mr. *Atterburys*, where he continued for *five Weeks* at the charges and rate of 4 *l.* 1 *s*, 8 *d.*

per

per week. During which time he applied himself by way of petition to his *Majesty in Council*, but alas without that success which he hoped for, which most Men are apt to ascribe to the *King's* being prepossessed by my Lord *K.* concerning his case, so that despairing both of all *Justice* from my Lord *K.* and of all *Favour* from the *Council Board*, and groaning as well under a close Confinement, as the excessive charges he was at in the *Messengers* House; he judged it the best method he could take, to endeavour the geting himself turned over to the *Kings Bench* Prison in *Southwark*, reckoning that he should not only live there at a more moderate Expence (which the Narrowness of his Fortune obliged him to consult) than was extorted from him at Mr. *Atterburies*, but likewise expecting, that upon giving Security for his true Imprisonment, he should have the Liberty of the *Rules*, and thereby enjoy a more open and free Air, than he did in the place where he was before. But as it was with some Difficulty and after earnest Application, as well to my *Lord K.* as to my *Lord Chief Justice*, and the *Attorney General*, that this small Kindness was obtained; so after his removal to the *Kings Bench* by vertue of a *Habeas Corpus* from my *Lord Chief Justice*, and after his having given 10000 l. Security for his faithful and true Imprisonment, yet he was by an order from my Lord *Chief Justice* to the *Marshal* of the said Prison for his close Confinement, denied the Freedom of the *Rules*, which he had not only promised himself as a thing that was in course allowed, but what the Keeper of the Prison had consented unto, and without the granting whereof he could not according to Law demand Bayl and Security for his true Imprisonment. Yea, so arbitrary and illegal were they in all their actings against this poor Gentleman Mr. *Braddon*, that notwithstanding his Imprisonment, yet they refused to discharge him from the 2000 l. *Bayl*, which he had given at his first Appearance before the *Council* to answer an *Information* of pretended *Subornation*; and also notwithstanding his *close Confinement*, they withheld from him, and positively denied to give up the 10000 l. *Bonds*, which *he* and his *Sureties* had entred into for his being a *true Prisoner*, nor would they so much as restore him the *Fees* he had payd upon the sealing of them. And it being now the long *Vacation*, and there remaining no way of helping and relieving himself till the *Term*, he was forced both to continue a close Prisoner under no less Expence than two l. Sterl. *per* week, and to lie under the Weight and Terror of the 12000 l. Bayl which they had wrested from him. But tho he was denied the Succour and Benefit of the Law, and found neither Justice nor Mercy in Men; yet he could not be rob'd of the Comforts of a good Conscience, nor deprived of the Refreshments and Supports which the Knowledg of his own Integrity

and Innocency administred unto him. And I have been fully informed by credible Hands, that neither the troubles and oppressions which he lay then under, nor the further Persecutions and Sufferings he was in prospect of, were able to give him any Discomposure, or create him any vexatious Grief in himself, nor yet to transport him to a behaviour in word or deed that could furnish his Enemies with an advantage against, or yield them matter of insulting over him. In this state and Condition he continued till *Michaelmass Term*, which being come, and the *Westminster* Courts begun to sit, he caused move the Court of *Kings Bench* the very first day for a *Rule* to the *Marshal* to bring him up the next morning, in order to discharge the *Bayl* he had given by Appointment of the *Council Board* about the answering an *Information* of pretended *Subornation*. Which Rule being granted by the *Court*, and obeyed by the *Marshal*; his *Appearance* was recorded; and his *Bayl* discharged. Now having succeeded in this which my Lord *K.* had refused in the time of the *Vacation* to grant him, the next step he took was for the obtaining his own Liberty, in order to which he did on the *fifth* day of the *Term* move the Court for a *Habeas Corpus* to be brought up and *bailed*. Which being also immediately granted, he was after a few days, and a little delay, which I shall not complain of the occation of, brought up to the Court of the *Kings Bench*, and there discharged from his Imprisonment upon he giving 3000 l. Bayl, whereof himself stood bound in a Bond of a 1000 l. and his four *Sureties* in 500 l. a Man. From all which we may not only collect the Hardships and Oppressions which this honest and worthy Gentleman met wit, meerly for enquiring into the Truth of some Reports, which if admitted, do clearly prove that the Earl of *Essex* was assassinated by others, and did not murder himself, but we may also observe and infer after what an arbitrary and illegal manner his Majesties Subjects are treated by some of his judicial Officers, as well as prime Ministers, for attempting to discover a most execrable and barbarous Murder, wherein a great Man, and the chief Heads of the Popish Faction would have been found deeply concerned and involved. Nor did Mr. *Braddons* troubles upon this account issue here, all these things being only *Præludiums* to what he was further to encounter from the Rage and Malice of St. *James*'s, and therefore the next *Scene* that opened, was the bringing him to a Trial for endeavouring in the Earl of *Essex*'s Death, to cast Aspersions upon the Government and defame the King. And all I would desire of any unprejudiced and impartial Person, is only to read the said *Trial*, being fully confident that he will thereupon not only acquit the Gentleman from the Guilt of any such thing; but that he will find himself obliged in conscience

to

to acknowledge that there was barbarous villany uſed in bringing my Lord of *Eſſex* to that Fatal and untimely End. And the firſt thing remarkable as an Introduction to that Trial, is, that my Lord *Chief Juſtice* was not only that morning for ſome time at *Whitehall* before he went to *Weſtminſter*, but was attended upon by Lord *F.* (whom we have reaſon to accuſe of being one of the Contrivers and Authoriſers of the Earl of *Eſſex* murder) at the lighting out of his Coach in *Weſtminſter*, and diſcourſed with both as he was conducted through the Hall, and in a corner near unto the Court before his *Lordſhip* aſcended to the *Bench*. Which hath given many men ground to ſuſpect, that his buſineſs at the firſt place was to receive ſuch Inſtructions as he was to follow and attend unto in the work of the day, and that the reaſon of the others accoſting and diſcourſing him where he did, was to impreſs him with a freſh ſenſe of the buſineſs that was to be before him, and to repreſent the dreadful conſequences which would enſue to a *great Man* and His Majeſties *Miniſters*, in caſe Mr. *Braddon* ſhould come to be acquitted. And whoſoever did either obſerve the behaviour of the *Bench* at that time, or hath ſince read the Trial, (where tho what was ſaid on all ſides may be related, yet the Geſture, Countenance, Paſſion, Heat and Air with which many things were ſpoken, cannot be repreſented) muſt be forced to acknowledge that my *Lord Chief Juſtice* and his *Brethren*, were rather ſworn parties againſt the Defendant, than equal Judges in a Cauſe betwixt the King and him. I ſhould be obliged to tranſcribe moſt of the Trial, did I undertake to give an account of the ungentile, ſlanderous, and malicious language vented againſt himſelf; or the interrupting, menacing, and hectoring of his Counſel, or the impoſing upon, preſcribing unto as well as byaſſing the Jury againſt him; and therefore inſtead of that, I entreat and deſire the world to do both themſelves, and Mr. *Braddon* that right as to peruſe the *Trial*, and if in their hearts they ſubſcribe not to what I ſay, I am contented to undergo the character both of a perſon that underſtands nothing of the Rules and Meaſures which ought to be obſerved in Courts of Judicature, and of one who is not ſufficiently regardful of his Credit and Fame in the things which he delivers. And if I be not wonderfully miſtaken, there is nothing more needful, but an impartial reading and weighing of that *Trial*, for the vindication of Mr. *Braddon*'s enquiring into the Reports which ſeem'd to imply that the Earl of *Eſſex* had not killed himſelf, nor to juſtify his innocency as to the crime whereof he was accuſed, namely * *of maliciouſly conſpiring and endeavouring to defame the Government*; and, as Juſtice *Withins* was pleaſed to expreſs it, *of charging the King*

 with

* *Braddons Trial*, p. 2. 70.

with taking away an innocent mans blood, and of murdering an innocent man, and as it was layd in the *Indictment, of his procuring and ſuborning falſe Witneſſes to prove that the Earl of* Eſſex *was not a Felon of himſelf, but was killed and murdered by unknown perſons.* For admit that all which was ſworn concerning a *bloody Razor's* being thrown out of my Lord *Eſſex*'s window immediately before the news of his death, and that all which was depoſed concerning a *Report* in *City* and *Countrey* about *his having cut his Throat before it was done*, were falſe and only invented by the Informers; yet, as it is evident by the Oaths and Depoſitions of the Witneſſes, that Mr. *Braddon* was not the Forger of theſe things; ſo it is demonſtrable that they were in their nature of that weight and importance, upon which a wiſe as well an honeſt man, might ſuſpect that my Lord had not murdered himſelf, but was deſtroyed by others. Nor could the Gentleman have ever been found guilty, but by means of Mercinary *Judges*, and an overaw'd as well as a pick'd and prejudiced *Jury*, who will boggle at nothing tho never ſo unjuſt that may but gratify a *great Man*, and oblige His Majeſties *Miniſters* of State. And the reaſon, as I have ſaid before, upon which Mr. *Braddon* came to be convicted and found guilty, was plainly to skreen a *great Man*, and ſome other perſons from coming to be involved in the guilt of that Noble Man's death, and to keep up the belief of a Proteſtant Plot, * *which* (as Juſtice *Withins* phraſeth it) was likely otherwiſe *to loſe its credit, and to be eſteemed a Sham Plot for the taking away Innocent Proteſtants Lives.* Nor was the whole *Trial* againſt this Worthy and Vertuous Perſon, more extravagant, arbitrary and illegal, than the *Sentence* againſt him, upon the *Juries* finding him *convict* of the *Indictment*, was unjuſt and ſevere. For beſides the condemning him in a Fine of 2000 *l.* which is more than his whole vilible Eſtate amounts unto, and expreſly contrary to the Law of the Land, which requires no man ſhall be *fined* but with a *ſalvo contenemento.* i. e. the leaving him as much as may ſupport him in ſome degree anſwerable to his quality, they have over and above ordered his finding *Sureties for good behaviour during life*, which as I queſtion whether it be lawful by the ancient and *Common Law* (tho it hath been ſometimes practiſed) any more than it is to condemn a perſon to perpetual Impriſonment; ſo I am ſure there is no *Preſident* to be found for the like in a matter that was not of a more criminal and heynous Nature. But all ſerves to prove, that whoſoever hath the courage or honeſty to ravel into the Earl of *Eſſex*'s death, are to be perſecuted, oppreſſed and ruined, and by conſequence ſerves to demonſtrate, that there is a villanous myſtery in the manner of his coming to that Fatal End, which they

* *Braddon's Trial*, p. 2, 70.

they are affraid to have searched out and detected.

And as if it were not enough in the judgment of all rational men, to acquit and vindicate the Earl of *Essex* from the guilt and infamy of having destroyed himself, that those have been prosecuted with the utmost severity, and oppressed in their Estates and Liberties, who with all imaginable modesty towards the Government were willing to inquire into the manner of his death, and to declare their just suspitions, with the grounds of them, to persons trusted with the administration of affairs, that he did not murder himself, but was assassinated by others: Behold, that as one Crime is not to be concealed but by the perpetration of more, so the Conspirators and Authorisors of that Noble Mans death, have proceeded to the murdering several other men, who as they had a perfect knowledge and comprehension both of the manner of the Fact, the villanous bloody Agents who were immediately instrumental to commit it, and the Persons who employed, rewarded, and encouraged them, so they had been guilty of what some will call indiscretion, to communicate to others what they had seen and observed, and too fully understood themselves. Among others who partly saw, heard, and observed themselves, and partly learned from others, several circumstances relating to the matter of my Lord's death, there was one *Meak*, a common *Sentinel*, who had stood on duty all that morning neer unto the place and house where the Earl of *Essex* was confined. For whereas on other days the Sentinels used to stand but two hours at a time on duty, there was care taken that morning, that those who were on duty when the *King* and *Duke* came into the Tower, which was about *six* of the clock, should not be changed till both after the time of the Earl of *Essex*'s death, which was about *nine*, and till after the *King* and *Dukes* departure from thence, which was about half an hour after. And the reason of this is obvious, namely, that tho it was impossible to keep all persons from seeing who walk't to and fro, and what was transacting, yet they resolved to preserve it in as narrow a compass as they could, and to admit as few to an opportunity of observing persons and things as might be. Whence it came to pass, that those *Souldiers* who entred upon *Duty* at *Four*, and should according to course have been relieved at *Six*, were suffered and obliged to stay on till *Ten*. Now this *Meak* having an advantage from the post he was in, of observing the several persons that went that morning to my Lord *Essex*'s Lodgings, and having partly himself seen, and partly learned from others, divers material particulars, relating to the manner of the Assassination of that Noble Person, it will be easily acknowledged, that he was as capable as any to detect it, or at least of letting these, who should have

the

the honesty, courage, and zeal to enquire after my Lord's death, so far into it as to be able to unravel that whole villany, and to trace it not only to the Instruments, but the original Authors and Contrivers. This poor fellow both abhorring in himself what he had seen, and conceiving the greatest detestation imaginable against all the Villains who had been accessory to it, was neither able to conceal his knowledge of what he had seen, nor his resentments of so horrid a Fact, but at the same time had not the prudence to distinguish betwixt persons, who without dammage to the Author, might be entrusted with so important a Secret, and those who at first would seem forward enough to hear it, but would withall make their advantage by revealing it to such as would reward them, and destroy him. Whence it unhappily came to pass that this poor foolish man, not only related it to such as were honest and faithful to him, and who will be ready in due time to testify the whole of what he acquainted them with, but to others who conveyed it to St. *James*'s as a piece of important intelligence, and of wonderful consequence to his *Royal Highness*. And tho it be not yet seasonable to recount the several particulars relating to that barbarous Murder, which he declared upon his own knowledge, as well as the confirmation of others; yet I may take the liberty to digest and branch them into their several heads, and to let the World know that some of them were such as preceeded his death, others accompanied it, and one or two came after it. Wherefore that he might tell no more stories, nor rise up as a witness against the Assassinates, this poor unfortunate Fellow was secretly murdered and thrown into the Tower Ditch. And there are several particulars relating to his Death, which are not unworthy to be known to the World, but it were to advantage the Conspirators, and to prejudice our selves to mention them at present. Only this is remarkable, that as this *Robert Meak* was for some time before his death, very apprehensive of the danger he went in of being privately destroyed for what he had declared concerning the E. of *Essex* being murdered, so he had a greater dread of it the morning before he was killed, than he had been possessed with at any other time. And therefore from that allarm which his mind suggested to him of his impendent danger, he begged of an Acquuaintance and Friend that morning before he died, that he would have accompanied, and kept with him for that day. But such was the poor fellow's fate, that tho he told that person the apprehensions he was in of being murdered, and he from a sense and belief of it, had left his work with a resolution to attend him, yet whether from a jealousie he might have of his own safety, or upon what other motive I shall not enquire, he stole away from, and forsook him before *Twelve* of the Clock. But tho the Conspirators and

Assassinates

Aſſaſſionates had thus by a ſecond murder delivered themſelves from the apprehenſions they were in of being detected for the firſt; yet there aroſe another perſon, who as he had better opportunity of knowing the whole Myſtery of the Lord of *Eſſex*'s death, than *Meak* the Sentinel had; ſo from remorſe of Conſcience for what he had been acceſſory unto, and from an abhorrency of that bloody Fact, which he ſo well knew the Authors and Perpetrators of, he begun to diſcourſe and communicate it with ſhame and loathing to others. The perſon whom I mean was Mr. *Hawley*, a Warder of the Tower, living in *Wincheſter-ſtreet*, being a Perſon both for Reputation and Eſtate far above that *Hawley*, in whoſe houſe the Earl of *Eſſex* was then Priſoner when his Throat was cut, and therefore one without whoſe knowledge, conſent and contribution, it cannot be ſuppoſed to have been done. And by how much he was not only more capable than others to detect the whole villany of the Noble Man's death, and lay open the enormous crime in all the parts and branches of it, but was of better credit than the Sentinel, and more likely to obtain belief from the World in what he ſhould declare, by ſo much was he to be eſteemed for a moſt dangerous perſon to the Conſpirators, and to be treated as one from whom they might dread the moſt fatal miſchief to themſelves as well as their cauſe. Hence the intelligence was no ſooner conveyed to a *great Man* and the reſt of the *Junćto*, that *Hawly* had been talking ſuch things concerning the Earl of *Eſſex*'s death, which it concerned them no leſs than both their Lives and Honours to have concealed; but they reſolved to deſtroy him, and thereby prevent his prating for the future, and being able to tell any tales. And being informed that he was inquiring where he might purchaſe an Eſtate, they employ one to tempt him out of Town, under pretence of his ſeeing a parcel of Land that was to be ſold. For they thought, that ſhould they cauſe him to be murdered in or about the City, it would fill all men with jealouſies of their being guilty of his death, eſpecially conſidering the Reports which went of them, and the ſuſpicions that they lay under of having cauſed *Meak* to be killed. And therefore in order to the getting him deſtroyed with the more ſecrecy, and the adminiſtring the leſs apprehenſion about the Authors of his death, they prevailed on him by the baite and temptation which I have mentioned, to take a journey into the Countrey. Whence having reſolved that he ſhould never return, they employed ſome to dogg, and others to way-lay and murder him. And with that Secrecy as well as Obedience, were their Orders and Decrees executed, that it was a conſiderable while after his Death, before he could be heard of, or his Body found. But when after long ſearch and enquiry after him; his *Corps* were at laſt found, there were all the marks and Symptoms of a moſt barbarous Aſ-

ſaſſin

ſaſſination prepared upon him, which malicious wit could invent, or enraged jealouſie and revenge act or commit. For beſides diverſe *contuſions* in the head, face and breaſt from the blows he had received, it appeared plainly that he had been alſo ſtrangled. And as he had never adminiſtred cauſe to any other perſons ſave the Conſpirators and Inſtruments of the Earl of *Eſſex*'s death, upon which we can with the leaſt ſhadow of reaſon, fancy his being murdered upon a perſonal and private Revenge; ſo there are proofs ready to be produced, whenſoever either a Parliament comes, or a fair Trial can be obtained before upright and impartial Judges, not only by whom he was deſtroyed, but by whoſe Command and Authority. Nor was his Wife inſenſible and without apprehenſion even before the Body was diſcovered, both that he might be murdered, and upon what motives and inducements it was done, ſo that ſhe told ſome Friends how ſhe dreaded the conſequences and effects of his having ſo often diſcourſed about the Earl of *Eſſex*'s death. Yea there is one *Glover*, who is a Servant to His Majeſty, being at preſent a *Warder* in the Tower, who being in conference with ſome people about the Earl of *Eſſex* and Mr. *Braddon*, was pleaſed with more than an ordinary emotion to ſay, *Hawley alſo hath been prating, but he was fain to walk for it.* But the ſame perſon being asked after it was known that he had been murdered, what he thought of Mr. *Hawley*'s walking, appeared exceedingly diſturbed, and ſaid he knew nothing of it, nor would he have the patience to hear any thing ſpoken about that matter. So that we have here an other evidence that the Earl of *Eſſex* did not, as he hath been defamed and ſlandered, cut his own Throat, but that this Perſon of incomparable Merit and Vertue was Maſſacred by wicked and ſuborned Ruffians; ſeeing to prevent the diſcovery of that heinous and execrable Fact, two other men who had advantages of knowing both the Actors in, and manner of his death, and had talked ſomewhat freely about it, and ſeemed inclinable to reveal it, were barbarouſly killed.

And as the deſtroying as well as oppreſſing thoſe from whom the World might receive light about the murder of that Noble Peer, plainly ſhews by whoſe Councels, and by what means, he came to his fatal End; ſo the countenancing, protecting and preferring thoſe, who are juſtly ſuſpected to have been deeply inſtrumental in it, and who long ere this would have been publickly indicted for it, (had it not been partly for the diſcouragement given by the Court, His Majeſties Miniſters of State and Officers of Juſtice, and partly not to expoſe men to that hazard which they muſt neceſſarily run by engaging in this affair) affords us a new proof of my Lord's innocency from being *Felo de ſe*, and that the infamy and guilt of his death ought to

be

be devolved upon others. There are cases wherein suspition of guilt may so wait on some men, that others tho never so well perswaded of their innocency, cannot without forfeiture of discretion, and becoming Sharers in the reproach and dishonour which attends them, give them either the least countenance, or yield them any Testimonies of Favour and Kindness, till they have vindicated and acquitted themselves from that whereof they are suspected, and which common Fame accuseth them of. And as all persons pretending to wisdom, or who are regardful of their reputation, will account themselves obliged to act under the conduct and guidance of this Rule and principle; so of all men, those in Authority are most concerned not to take upon them the sheltring of those that are aspersed with infamous crimes; nor to countenance and advance such, whom the cry of a Kingdom chargeth with a barbarous, enormous and execrable Fact. But to that impudence in Villany, as well as contempt of honour and credit are the Gentlemen of the Popish *Juncto* and *Cabal* arrived; that they not only cause *secretly* Murther, such as would discover a great and heinous offence against God and Mankind, but they dare *openly* and in the face of the Sun, both protect and prefer the chief Miscreant and Ruffian, whom all sober and impartial persons have in suspition for it. It must necessarily be acknowledged, that in case my Lord was assassinated by violent and and bloody hands, his *Valet de Chamber Bomeny* the only Servant who attended him in the Tower, save a Footman, must be acquainted with it, and accessory to it. And so many, as well as weighty, were the arguments of his being guilty of his Earl and Master's death, that he was justly suspected for it both by the rest of my Lord's Servants, and all the thinking impartial people about the Town. And tho I shall have occasion hereafter to mention divers particulars and recount several circumstances, which not only serve to lay him under a suspition, but to convict him of being accessary to the death of his Lord; yet I care not if I relate one at present, namely the apprehension he was in, and the trouble he expressed to one of the Lady *Essex*'s Gentlewomen, upon a Report which he had heard that my Lord's Murder was to come under a second Examination, and that the Body was to be taken up in order to a review. Nor was the Countess her self, for all the impressions which some great men had endeavoured to possess her with, of my Lord's cutting his own Throat, without strong apprehensions to the contrary; nor void of jealousie of this *French* Fellow's being guilty of her Husband's death, which made her discharge him her service, and dismiss him out of the Family. And as no Gentlemen in *England* would have after this done so foolish a thing, or so unworthy of himself, as to cherish and entertain

BIBLIOTHECA BODLEIANA

ſuch a Raſcal; ſo it leaſt of all became the honour of the Court, unleſs there were a further myſtery in it than the world is aware of, to take him both into their protection, and to advance him to an employ and place. Let us therefore a little obſerve and recount what favours this Raſcal under all the ſuſpition and infamy of being acceſſary to his *Lord's* death, hath met with both from his Majeſties Miniſters of Juſtice, and from the principal perſons at Court, and chieſeſt Officers of State. Can it be leſs than a reflexion both upon the honour of the Government, and an inſinuation that great men were concerned in that horrid fact whereof *Bomeny* is ſo juſtly ſuſpected, that my *Lord Chief Juſtice* at *Mr. Braddon's Trial*, after he had been affronting, interrupting and hectoring all the Witneſſes for the Defendant, ſteps in not only to aſſiſt and rectifie *Bomeny* in his Depoſition, guiding him to ſay a *Razor* when the Rogue had ſaid a *Penknife*, but durſt repreſent the Villain under the character * *of one whoſe integrity and fidelity to my Lord, was confirmed by ſix years experience of his ſervice, and that he was not an upſtart and wandering fellow.* Yea, the eſteem that this Ruffian was in with our Grandees, and which by conſequence proves that there is a Myſtery in the manner of the Earl of *Eſſex's* death, which is not yet fully diſcovered, ſeeing theſe who are deſervedly ſuſpected to have been acceſſary to it, are favoured and befriended by them, may be further enlightned and confirmed from the correſpondence which *Bomeny* had with the *Secretary* of *State*, when he lay concealed from others, and the readineſs he expreſſed to converſe with any that pretended to enquire for him in Sir *Lionel Jenkin's* name, when he was denied to every body beſides. For a certain perſon having occaſion to call at his Lodging in order to *Subpœna* him to Mr. *Braddon's* Trial, and being poſitively told that there was no ſuch man there, took the boldneſs to ſay he came from Sir *Lionel*; upon which *Bomeny* immediately appeared, and he who was ſaid not to be there before, ſtept forth with all imaginable readineſs to receive the *Secretaries* Meſſenger, and to know what his Honour's pleaſure was. And if theſe two paſſages which I have related, be not enough to evidence the kindneſs which his Majeſties Miniſters had for this little and infamous creature, I ſhall ſubjoin a third importing the care which the greateſt about the Court took of him, and the reſpect they ſhew him. For when he ſeemed to be abandoned by all others, and knew not where to be admitted into a ſervice, by reaſon of the ſuſpition he lay under of being either an inſtrument that murdered his Lord, or who had conſented to the doing of it, behold a great man, and the *Officers* of his Majeſties Forces, embrace him under all that ignominy and reproach, and liſt him

* *Braddons Trial*, p. 55, 61.

him to ride in one of the *Troops* of *Guards*. Nor is it possible for any man without renouncing his Reason, to imagine, that that Great Man, as well as divers other persons of Figure and Quality, should expose themselves to the censure of the world in entertaining a Fellow judged guilty of so enormous and abominable a crime, unless they themselves had been accessory some way or other to that execrable wickedness, and except they judged the Rascal to have merited by the Fact.

But to put it beyond all possibility of any rational contradiction that the Earl of *Essex* did not *cut* his own *Throat*, but that he was massacred by others, I shall demonstrate the impossibility of it as the manner of his death is represented in the *Coroners Inquisition*, and declared in the *Depositions* of the *Chyrurgions*, who view'd the Body, and searched and examined the fatal wound. And where there is a Natnral Impossibility that a thing should be so or so done, all the Informations of the world to the contrary serve to no other end but to declare the perjury of the informers. A matter that is naturally impracticable ought not to be credited, tho never so many should have the impudence to swear they saw it done. But as the rage of the *Conspirators* and *Assassinates* transported and hurried them to commit the barbarous Fact in such a manner, that all who have not abjured common sense as well as Reason, must acknowledg that it was not practicable in that way and manner, or a thing that could be done by the Earl of *Ess*x himself; so their malice corrupted and blinded their judgments to that measure and degree, that the *Instrument* which they have chosen and pitched upon as the *Tool*, *Weapon* and *Mean* by which it was done, renders the doing it by my Lord impossible in it self, and unworthy to be believed except by the grossest of Fools, or the worst of knaves, who never consider how far a matter either is or can be true, but only what may conduce to their profit, or gratifie their malice to take up and admit. And how conspicuous is the Wisdom as well as Righteousness of God, in infatuating villanous men, so to accomplish and perpetrate their villanies, as that their folly shall detect their guilt, and the Marks and Characters of stupidity as well as rage left upon the Fact shall reveal the Authors of it, let them do all they can to transfer and abdicate it from themselves, and to charge and fasten it upon others. Now the *Coroners Inquest* in their *Inquisition* made the *14th* of *July*, 1683. concerning the Earl of *Essex* death, do upon their Oaths from the Depositions of such witnesses as they thought fit to examine, give us this account of the way and manner of it. That the *Earl* of *Essex being the* 13*th day of* July *alone in his Chamber, did with a Razor voluntarily and feloniously cut his own Throat, giving unto himself one mortal wound, cut from one*

Jugular to the other, and by the Aſpera Arteria, and the Wind-pipe to the vertebres of the Neck, both the Jugulars being throughly divided, of which ſaid mortal Wound, the ſaid Earl of Eſſex inſtantly died. And to this account ſo far as relates to the Nature of the Wound, do the *Informations* upon Oath of *Robert Sherwood* and *Robert Andrews*, two *Chyrurgions* called to view the Body of the ſaid *Earl* fully agree. For *Robert Sherwood* ſwears, *That having viewed the Throat of the Earl of* Eſſex, *he finds that there is a large wound, and that the* Aſpera Arteria *or Wind pipe, and the Gullet, with the Jugular Arteries are all divided.* And *Robert Andrews* depoſeth to the ſame purpoſe, namely, *That having viewed the Throat of the Lord of* Eſſex, *he found that it was cut from one Jugular to the other, and through the Wind-pipe and Gullet into the Vertebres of the Neck, both Jugular Veins being alſo quite divided.* And as the firſt thing obſervable in the *Coroners Inqueſt* about my Lords death, is that his Throat was cut with a *Razor*, ſo it is needful the world ſhould know that the *Razor* which *Bomeny* in his *Depoſition* before the ſaid *Inqueſt*, ſwears to be the ſame wherewith he gave himſelf the fatal and mortal wound, was a ſmall *French Razor* of about *four Inches* and *half long* at moſt, without any *Spill* or *Tongue* at the end of the *Blade*, as all *Razors* of the Engliſh Form and Faſhion have: So that the *Razor* being of that make, proportion, and extent, it is as evident as any demonſtrated *problem* in *Euclid*, that it could not be uſed but upon holding it by the Blade; and that in order to the holding it with ſtrength and ſteddineſs requiſite to the making ſuch a wound, the Fingers and Hand muſt graſp and faſten upon no leſs than *two Inches* of it. The ſecond thing remarkable from the *Inquiſition* of the *Coroner*, and the *Depoſitions* of the *Chyrurgions* refers to the *extent* and *dimenſion* of this deplorable and deadly *wound*. Which as they all acknowledg to have reached from *Jugular* to *Jugular* in *length*, and to the *vertebræ* of the *Neck* in *depth*; ſo a certain Gentleman who ſaw the wound before ever the *Jury* did, affirms that it begun at the ſide of the *Neck Bone* behind the *left jugular*, and extended to the *Bone* of the *Neck* beyond the *right*, being betwixt eight and nine inches in dimenſion from one ſide to the other, and that it ſo nearly approached unto, and pierced into the *vertebræ* that had it light on a *joint* it would have *cut* off his *Head* inſtead of merely *cutting* his *Throat*. And I may upon what is here confeſſed and ſworn, confidently ſay, That no man could cut his own Throat after the rate and manner, and to that meaſure and extent, that the Earl of *Eſſex*'s was cut. Nor did I ever ſpeak with *Phyſician* or *Chyrurgeon*, who was ſo far above the dread of the *Court* and St. *James*'s as to dare venture the giving his opinion, but he would

rea-

readily acknowledg and confirm it with unanſwerable reaſons, that it was impoſſible the Earl of *Eſſex* ſhould have given himſelf that mortal wound, or cut his Throat in the manner it appears to have been done? For the *Razor* being in the whole length but *four inches* and a *half*, and *two inches* of theſe being neceſſary at the leaſt to be held and graſped in the hand in order to the uſing and managing of it; it is not imaginable how with the other two Inches and a half both the Jugulars could be divided at one ſtroke, and a gaſh made which extended no leſs than Eight Inches from one ſide to the other. There is no man that is verſed in *Chyrurgery* or the *Anatomy* of the humane Body, but will find himſelf obliged to own, that it is altogether impoſſible that after the cutting the *one Jugular*, there ſhould remain life and ſtrength for carrying forward the wound to the dividing the *other*. Nor can there be any thing more certain in Nature, than that there would have been ſuch an effuſion of Spirits and Blood upon dividing the *firſt Jugular*, that all life and motion would have immediately ceaſed, and that there would have been no ſtrength left to puſh forward the inſtrument to the *ſecond*, ſo as to diſſect it. Beſides there being no more of the *Razor* beyond the hand which held the *Razor*, than about *two inches* and a *half* of the blade that could be uſed and applied to the making the inciſion in the Throat; How is it poſſible that a Gaſh or Wound of four Inches deep (for of that dimenſion it was from the outſide of the *Gullet*, where the hand muſt lye, to the *Vertebræ* of the Neck where the inciſion terminated) could be made by an Inſtrument of *two inches* and a *half* long? Theſe being plain and direct impoſſibilities, it neceſſarily follows that the Earl of *Eſſex* did not deſtroy himſelf, but that this helliſh Murder was committed upon him by the hands of bloody and hired Ruffians. Nor indeed was a *Razor* the Inſtrument which they made uſe of upon this villanous occaſion, but it was done by one of another kind, as well as form and figure, and which as they had prepared and provided on purpoſe, ſo it was much more convenient for the perpetration of the Fact. But it would have too palpably betrayed the Actors, to have ſuffered that to have lain by the maſſacred Body, or to have let it be ſeen by any honeſt and indifferent perſons who might throng in among others to view and look upon the bleeding Corps. And of all the Inſtruments which they could have thought upon, a *Razor*, eſpecially of the faſhion which that was, that they threw down by my Lord's Body after they had Murdered him, was the moſt unfit for an inciſion in the Throat of thoſe dimenſions, as the wound whereby they treacherouſly killed him evidently appears to have been. A certain Gunner in the Tower, who may be ſuppoſed not altogether a ſtranger to this affair, pitched upon a more convenient and pro-

proper Inſtrument for the doing of it, when about Nine of the Clock that morning he reported the death of my Lord in a place not far diſtant from thence, ſaying, the Earl of *Eſſex* had cut his Throat with a *Caſe Knife* wherewith he had been carving a Pidgeon for his Breakfaſt. And had they not been infatuated, they would have rather ordered ſuch an Inſtrument to have been laid by the Body in order to blind and deceive the World about the manner of his death, than the ſmall *French Razor* which I have deſcribed, and by which they have endeavoured to make men believe the gaſtful and fatal wound was made. But if a *Parliament* come to ſit again in *England*, or if His Majeſty will grant a Pardon to ſuch Witneſſes, as we are ready to produce, and allow a *Writ* of *Melius Inquirendum* concerning the death of this Noble *Peer* before equal and impartial Judges, we ſhall both deſcribe the Inſtrument he was killed by, and prove the truth of what we ſay, by perſons who ſaw the whole Bloody and Tragical tranſaction, and are as Acceſſories too far concerned in that horrid Murder.

Nor want there proofs of my Lords being treacherouſly Aſſaſſinated by others, and that he was not a *Felon* of himſelf, from the Teſtimonies of theſe very Witneſſes which were produced both before the *Coroners Inqueſt*, and at Mr. *Bradden*'s Trial, to Swear that the Earl of *Eſſex* had cut his own Throat. And tho it may be pardonable in the *Coroner* upon the *Inquiſition* into the manner of my *Lord*'s death, to have admitted the *Depoſitions* of *Bomeny* and *Ruſſel*, there being not then ſo juſt ſuſpitions of their guilt in this matter, as afterwards there were; yet for my *Lord Chief Juſtice* to allow them as competent Witneſſes in that affair, when the preſumptions of their being acceſſory to that Murder were ſo ſtrong, as they plainly appeared from the whole ſcope and tendency of that which was ſworn, ſaid, and alledged in Mr. *Braddon*'s behalf at the foreſaid Trial, was the greateſt affront imaginable to Juſtice, and argued a moſt criminal partiality. For with what equity could *Bomeny*'s Teſtimony be admitted to deſtroy either the Truth or probability of my Lord's being aſſaſſinated by others, ſeeing it muſt be granted that in caſe the Earl of *Eſſex* was treacherouſly Murdered, *Bomeny* being the only Servant who then waited upon him, muſt be an Actor in, or at leaſt an Acceſſory to it. And what is this, but to admit a fellow under the higheſt preſumptions of guilt to be a witneſs in his own Cauſe, and to allow his Teſtimony as a ſufficient vindication from the moſt perfidious, as well as barbarous Crime that could be committed; and which to have acknowledged, would have derived upon him the ſevereſt puniſhment? And the ſame may be ſaid of my *Lord Chief Juſtice*'s partiality and unreaſonableneſs, in ſuffering *Ruſſel*'s *Teſtimony* to paſs for good and legal evi-

dence

dence in the matter and case that we are discoursing of. For *Russel* being the Person who, that morning my Lord was murdered, attended upon him as his *Warder*, must likewise have been either an Actor in, or Accessory to, the cruelty that was committed on him. Nor can it be otherwise thought than that he who contrary to the Duty of his Place, and the trust reposed in him instead of assisting and defending my *Lord*, when forcibly assaulted, would consent unto, or at least connive at the Violence committed upon him, should also for the saving himself as well as others from the Punishment of the said Crime, transfer the Murder from himself, and charge it upon my Lord. For as *Russel* was set at my *Lords* door to prevent any endeavours which might have been used by himself or others for an escape; so one main end of his being posted there, was to see that no Violence should be committed upon the Prisoner. But to dismiss this without further enlarging upon it, I shall in proof, that my Lord of *Essex* did not Murder himself, but was assassinated by others, observe the Contradictions that are in the Informations of the Witnesses, about the manner of his Death, and the Circumstances relating to it, and how they disagree not only one with another, but gainsay themselves in their Testimonies. It hath always been admitted as a sufficient ground of disbelieving Witnesses, and of judging them to Swear falsely, when their Testimonies instead of being either harmonious and coherent in themselves, or consonant and agreeable one to another, do both interfere with, and contradict themselves and each other. For as Truth is always uniform and consistent, so Falshood is contradictious and various. Now that this may the better appear, and that all Men may see, I do neither impose upon the Witnesses, nor endeavour to deceive the world, I shall transcribe the two *Informations* which were Sworn by *Bomeny* and *Russel* before the *Coroner* and the *Inquest*, when they sat on my *Lords Body* upon an *Inquisition* after the manner of his Death, and by what means he came to his fatal End. *Paul Bomeny* in his *Deposition* made upon Oath the 14 of *July*, 1683. saith, That *when my Lord came to Captain* Hawley's, *which was the eleventh of that month, my Lord ask'd him for a Penknife to pare his Nails as he was wont to do; to which the Informant answered, being come in haste he had not brought it, but he will send for one; and accordingly sent the Footman with a Note for several things for my Lord, amongst which the Penknife was inserted; and that the Footman went and gave the Bill to my Lords Steward, who sent the Provisions but not the Penknife, only told the Footman he would get one the next day. That when the Footman was come, my Lord ask'd if the Penknife was come, to which the Informant answered he should have it the next day; and accordingly on the* 12. *in the Morning, before my Lord of*

Essex

Eſſex *was up, the Informant ſent the Footman home with a Note to the Steward, in which amongſt other things he ask'd for a Penknife for my Lord, and when the Footman was gone, about a little after* 8. *of the Clock, my Lord ſent one Mr.* Ruſſel *his Warder to the Informant, who came and ask'd him if the Penknife was come; to which the Informant ſaid no my Lord, but I ſhall have it by and by: to which my Lord ſaid, that he ſhould bring him one of his Razors, it would do as well; and then the Informant went and fetched one, and gave it my Lord, who went then to pare his Nails, and then the Informant went out of the Room into the Paſſage by the door on* Friday *the* 13, *and begun to talk with the Warder, and a little while after he went down Stairs, and ſoon after came the Footman with the Proviſions, and brought alſo a Penknife, which the Informant put upon his Bed, and thought my Lord had no more need of it, becauſe he thought he had paired his Nails, and then the Informant came up to my Lords Chamber about* 8 *or* 9 *in the Forenoon on* Friday *the* 13. *of* July, *with a little Note from the Steward, but not finding his Lord in the Chamber, went to the Cloſe-Stool Cloſet-door and found it ſhut, and he thinking his Lord was buſy there, went down and ſtaid a little, and came up again, thinking his Lord had been come out of the Cloſet, and finding him not in the Chamber, he knock'd at the Door with his Finger thrice, and ſaid, my Lord; but no body anſwering, he took up the Hanging, and looking through the chink, he ſaw Blood, and a part of the Razor, whereupon he called the Warder* Ruſſel, *and went down to call for help, and the ſaid* Ruſſel *puſhed the Door open, and there they ſaw my Lord of* Eſſex *all along on the Floor without a Periwig, and all full of Blood, and the Razor by him; and the Deponent further depoſeth that the Razor now ſhewed to him at the time of his Examination, is the ſame Razor which he did bring to my Lord, and which did lye on the Ground in the Cloſet by my Lord.* To this Information I ſhall ſubjoyn that of *Thomas Ruſſel* one of the *Warders* of the *Tower*, who being examined the 14. of *July* 1683. ſaith, *That on the* 13. *of the ſaid* July, *about* 8 *or* 9 *of the Clock in the Forenoon he was preſent, when he did hear the Lord of* Eſſex *call to his Man Mr.* Bomeny *for a Penknife to pare his Nails, and then for a Razor, which Mr.* Bomeny *brought him, and then my Lord went up and down the Room ſcraping his Nails with the Razor, and ſhut the outward Door; Mr.* Bomeny *half a quarter of an Hour afterwards not finding my Lord in his Bed-Chamber went down Stairs again believing that my Lord was then private in his Cloſet.* Bomeny *came up about a quarter of an hour afterwards, and knock'd at the door, and then called, My Lord, My Lord, but he not anſwering, peep'd through a chink of the door, and did ſee the Earl of* Eſſex *lying on the Ground in the Cloſet, whereupon he did cry out, that my Lord was fallen down Sick, and then the Informant went to the Cloſet-door, and opened it,*

the

the key being on the outside, and then did see my Lord lye down on the ground in his blood, his Throat being cutt. These are all the informations which the *Inquest* charged and sworn to enquire when, by what means and how *Arthur E. of Essex* came to his death, thought fit to take, and upon the Depositions of these two Fellows who in case any violeuce were offered to my Lord must have been accessory to it, they bring in and do say *upon their oaths that the sayd Arthur Earl of Essex did voluntarily and feloniously cut his Throat.* It may indeed seem strange that there being other persons at that time in the house besides *Bomeny* and *Russel*, particularly the *Maid servant*, that they should neither be examined nor so much as called to know whether they could say any thing in that affair. But it is not improbable that the contradictions in the Testimonies of the two Witnesses whom they had examined, to one an other, might discourage them from examining any more, least they in what they might swear should contradict what both the former had said. Now what I have to observe concerning the contradictions in the forego'ing *Depositions*, they are either such, wherein these *Informations* are directly contrary to the *reports* which themselves made to others about my Lords death; or they are such, wherein the *Testimony* of the *one*, contradicts that of the *other*, or *lastly*, wherein the *Information* of *one* and the *same person*, gainsay's and overthrow's it self. For the *first*, whereas both *Bomeny* and *Russel* do positively swear that it was not above a *quarter of an houre and half*, *from the time that Bomeny left my Lord in his Chamber pareing his Nailes, to the time that they found him dead in the Closet*; yet this very *Bomeny* being ask'd the Question by *one* of my *Lords Family* soon after his death, how long my *Lord* might have lyen dead before either *he* or the *Warder* discovered it, replyed that he believed he must have lyen so above *two hours* for that when they first found him the Body was cold and stiff. And whereas *Russel* deposeth that *the Razor was given by Bomeny to my Lord after he was up and about eight or nine of the clock in the forenoon, and that both he and Bomeny inform how they saw his Lordship upon the delivery of the Razor to him apply to the pareing of his Nailes*; yet this Rogue *Bomeny* having the property of lyars namely the want of a good memory, affirmed to a person of good credit and who is ready to depose it upon Oath, that from the time of his sending away the Footman with a Note to the Steward (which was about or before *six*) that morning on which the *Earl* died, he did not see my *Lord* till the time that he found him killed and wallowing in his blood in the Closet. And whereas there is not one word in *Bomenies Information* concerning my Lords being used to be taken with sudden *Frensical* passions and fitts, or that he was particularly taken with one that morning before his death, but the contrary

plainly insinuated in the whole *Information* and also acknowledged at Mr. *Braddon's Trial*, where tho he says, that * *my Lord was melancholy, yet he adds they took no notice of it, nor had reason to suspect any thing more than ordinary*; all which directly contradicts what the Villain told an Eminent Dr. of the *Church* of *England*, namely that his Lord *was frequently taken with sudden Frensical passions, and in particular with one that morning just before his death.* For said the perjured Rascal, *when the Earl of* Essex *saw my Lord* Russel *carried out of the Tower to be Tryed, he struck his Breast, and said himself was the cause of my Lord* Russel's *misery, seeing had it not been for him, my Lord* Russel *would never have admitted my Lord* Howard *into his company. And that thereupon seeing my Lord* Russel *like to be ruined by the Testimony of that person for whose integrity he had engaged his Honour, he fell destracted.* Now as this is directly repugnant, to the Testimony which his own Lady and all other persons who had the advantage of being known to his Lordship do justly give him, affirming that he was the most sedate, best composed, and freest from passions of all men they ever knew, so there is not one word of it in his *information* to the *Coroners Inquest*, tho' it would have been a stronger evidence of my *Lords* murdering himself, than all that he deposed or swore besides. Truth being ever the same, whosoever is called to testifie a Truth that falls within his knowledg, can give the same account of it a thousand times over without the least variation from it, or from himself; but a *Lie* having no foundation save what it has in the invention of the Author, easily escapes the memory, and lay's the Reporter as often as he is called to repeat and declare it, under a continual liableness of inventing either some thing new that was not, or which is different to what was in his former report, so that by the last Fiction he both detects and discredits the first. But *secondly*, as the *Informations* of these two *Witnesses*, interfere with the Reports which themselves gave concerning my *Lords* Death to other persons, so the Testimony of the one does directly contradict and supplant the Testimony of the other. For whereas *Bomeny* positively swears, *that on the* 12. *of* July *in the morning before my Lord of* Essex *was up, he sent the Footman home with a Note to the Steward, in which among other things he ask'd for a Penknife for my Lord, and that when the Footman was gone, about or a little after eight of the Clock, my Lord sent* Russel *the Warder to the said* Bomeny, *who came and ask'd him if the Penknife was come, to which* Bomeny *replyed, no my Lord, but I shall have it by and by, and that thereupon my Lord bid him bring him one of his Razors, which he went and fetched and gave to his Lordship, who applyed himself there with*

* *Braddons Trial* p. 45.

with to pair his Nailes; *Ruſſel* in a direct contradiction to this, ſwears, that *on the 13. of July about 8 or 9 of the Clock in the Forenoon, he was preſent when he did hear the Lord of Eſſex call to his Man Bomeny for a Penknife to pare his Nailes, and then for a Razor which Bomeny brought him, and that thereupon my Lord went up and down the Room ſcraping his Nailes with the Razor.* So that whil'ſt *Bomeny* depoſed upon Oath that my *Lord* called for the Razor, and had it delivered to him on the 12 of July being *Thurſday* and the day before my Lords death; *Ruſſel* comes and ſwears, that it was on the 13 of July being *Friday*, and the day on which my Lord was killed, that he alk'd for the Razor and received it from his man. We may with the ſame eaſe bring the *Time Paſt*, to be the *Time preſent* or *Future*; as make the 12 of July, upon which *Bomenie* ſwears he gave my Lord the Razor, to be the 13 of July, on which *Ruſſel* ſwears it was delivered to him. And tho this be ſuch a diſſagreement in their Teſtimonies, that no wiſe and unbiaz'd perſon can give credit to what either of them ſayes, but is in juſtice obliged to believe that both of them ſwore falſely; yet it is not the only thing wherein their Depoſitions contradict one another, there being a ſecond thing, and as important as the former, wherein the Information of the on lyes in a full contrariety to the Information of the other. For whereas *Bomeny* ſwears *that Ruſſel puſh'd the cloſet door open where my Lord lay*, which implyes his uſing violence and force to get in; *Ruſſel* comes and depoſeth that *being called by Bomenie, he went to the Cloſet door and opend it the Key being on the outſide.* Nor it is poſſibl' to reconcile what the one ſayes in this particular, to what is declared by the other, unleſs we can make the unlocking the door with the key, to be the ſame with the burſting it open in a forcibl' way. Yea as if it were not ſufficient to demonſtrate the falſehood of both their Teſtimonies, that they do expreſsly contradict one another in two important and weighty particulars; there is yet a third wherein their *Informations* do plainly croſs and thwart each other. For whereas *Bomeny* ſwears *that upon looking through the Chink of the Cloſet door, he ſaw blood and a part of the Razor*, without making mention of his ſeeing *my Lords Body or any part of it*; *Ruſſel* comes and depoſeth *that Bomenie upon peeping through a Chink of the door, ſaw the Earl of Eſſex lying on the ground in the Cloſet*, without adding any thing of his *having ſeen blood, and a part of the Razor.* Now beſides that *Ruſſel* ſwears a thing poſitively, which at moſt he could only ſwear upon *Bomenie's* Information; here is alſo a diſſagreement between the account of what *Bomenie* ſay's he ſaw, and that which *Ruſſel* affirm's him to have ſeen. The two *Elder's* who in the Apocryphal Hiſtory are reported to have ſworn falſely againſt *Suſanna*, did not more evidently, nor in ſo many particulars interfere

fere with and contradict one another, as these two Fellows *Bomeny* and *Russel* appear to have don in their Testimonies concerning the Earl of *Essex* death. But alaz! we have not been hitherto so happy as to have this pretended crime of my Lord *Essex's* cutting his Throat, to fall under the examination and cognisance of persons of that integrity and uprightness as well as wisdom, which the calumnious accusation of uncleanness fastned upon *Susanna* had the fortune to do. And as the Informations of these two Rascals do plainly contradict each other; so in the *last* place we shall observe how *one* and the *same Witness* does in his *Deposition* thwart and gainsay himself. For whereas *Bomenie* swears *that on Thursday the* 12. *of July he gave the Razor to my Lord, who thereupon went to pare his Nailes with it*; he immediately adds without the least congruity either to *Sense* or *Grammer*, that he the said *Bomenie* having given my Lord the Razor, *went out of the room into the passage by the door on Fryday the* 13. Nothing can be more aparent then that the for'going part of the Information relates wholly to Thursday; but at last without any regard in himself to what he said, or relation in the next words to those which preceded, Friday is brought in contrary both to all Rules of Syntax, and the for'going words of his own Testimony. For what was antecedently deposed referring to what had fallen out and was transacted on Thursday, his immediately subjoyning that *Then he went out of the Room into the passage by the door*, ought by all the Rules of Speech and the Measures of Sence to relate to Thursday also. But Friday being the day on which the Earl of *Essex* was killed, and which as both *Bomenie* and *Russel* swear was soon after his having received the Razor; it was therefore needful that in order to the giving some glose to that part of their Information wherein they swear my Lord cutt his own Throat, that Friday should be mentioned tho with never so much incongruity and absurdness. How conspicuous is the righteousness of God in suffering a villain who had first consented to the murdering his *Master*, if not assisted in it, and then undertaken to transferr' the crime and infamy from the Assassinates and charge it upon his innocent Lord, so evidently to contradict himself in what he swears, as thereby to affoord the world an uncontroulabl' demonstration both of the falshood of his own Deposition, and of his Masters being guiltless of what he accused him.

And as the many contradictions of one kind and another, which occurr' in the informations of the Witnesses, do as so many prints and Footsteps lead and conduct us to other Authors and Instruments of my *Lords* death than himself, so the many *irregularities* which were committed about the Body by those who had the oversight and custody of it, before the *Coroner's*

In-

Inquest had sat upon it, administer unto us new *proofs* that the Earl of *Essex* was not *Felo de se*, but that he was treacherously and barbarously murdered by the hands of bloody and suborned *Ruffians*. By the *custome* of all Nations which is equivalent to a common and Universal Law, but most especially by the known and alwaise practiced *Custom* of *England*, the Body of a person found dead and supposed to have come to an untimely End, ought (if it be possibl') to lye in the place and posture that it is found, till the *Coroners Jury* have sat upon the Body and inquired into the manner of the persons death. Nor can we think that those in the House, where my Lord was killed and found dead, could be ignorant of this custom', seeing it is so well and universally known to the meanest and most ignorant people of the Nation. Neither is there any thing more adapted and proper, as well as needful towards a discovery whether a person have fallen by his own hands or the hands of others, than this received custome and practice is upon many frequent and repeated experiences found to have been. For how many circumstances not only may but do often occurr' from an observation of the Site and posture wherein the Body is found, from an inspection of the marks, tokens, and impressions left upon the Cloaths which the party destroyed wore, and from a view of the Footsteps, Symtom's, and Signes, which the place where the Fact was committed and the Body fell may yield and afford; all which may have their usefulness and tendency to give light unto the Jury that is to sit upon the Body, and whose Du'ty and Office it is to make inquiry into the manner of the persons death. But least the Earl of *Essex* should have been found to have come to his End after an other manner, and by other way's and means, than was safe or convenient for some people to have known and believed, therefor' were all things otherwise carried, and the custom' of the Nation in cases of this Nature not only neglected and despised, but with the greatest impudence imaginabl' violated and acted contrary unto. For besides their taking my *Lords Body* out of the *Closet* where it was found and by consequence ought to have lyen, they did not only uncloath, stripp, and wash it; but also wash both the *Closet* where it was found, and the lodging chamber into and through which we must suppose the persons to have come, if any assassination was by the violent hands of others committed upon him. Yea and as if all this had not been too daring in it self, and enough to administer a just suspition to all mankind of some villany perpetrated upon the person of this Nobl' *Lord*; they proceeded further even to the carrying away the very Cloaths which they would not so much as allow the *Jury* to see, tho some of the *Coroners Inquest* had the wit and seeming ingenuity as to call for them. I do not affirm nor would I have

it

it thought, that all these irregularities were committed before the *Coroner* himself saw the Body, for I have been well informed and am fully satisfied to the contrary, and have reason to believe that he was prevailed upon to consent and give way to the do'ing of these absurd and illegal things. But that which I assert and which will be proved if occasion be, both by the several members of the *Jury* it self, and by diverse other persons who saw the Body before the time of the *Coroners inquisition*, is that these irregularities were committed and done, ere ever the *Jury*, who were to be the judges of the manner of my Lord *Essex*'s death, were admitted or indeed could be to the sight of the *Corps*. For as the *Coroners Inquest* neither sat upon, nor saw the Body till the 14 of *July* in the forenoon; so all these irregular things had been don' the 13 being the same day on which my *Lord* was killed. Now besides many other circumstances which the *Jury* might have observed detective of and serving to discover the manner of my Lord *Essex*'s death, had all things been suffered to remain as they were at the moment when his Body was found, and as they ought according to the custome of the Kingdom and the practice in all cases of that Nature to have done, there would have appeared *three* remarkabl' things to them, which had served to convince all men who had a spark of Reason or degree of honesty, that this great and honorabl' *Peer* did not destroy himself, but was Massacred by hired and suborned Ruffians. The *first* whereof would have been the *print of a bloody foot upon one of my Lords Stockins*, which seeing it could not be an impression made by himself, must necessarily have been the effect of a most perfidious cruelty exercis'd upon him by others. Nor is this a fiction of mine raised to vindicate the memory of the E. of *Essex* from the guilt and infamy of so base and enormous a Crime, nor given out to baffle and discredit the belief of the late Plot, and deliver the Conspirators from the reproach and danger which that pretended Combination had derived upon them, much less is it invented to defame the King, cast an aspersion upon the Government and enflame the Nation, but there are ey' Witnesses ready to swear it; and one as remote from all likelihood of being the Author of a groundless and *Romantick* Fabl' as any man, affirmed it before the *Coroner* and *Jury* when they sat upon an Inquisition into the manner of my *Lords* death. For *Samuel Peck* a Servant of the Earl of *Essex*'s, and who had just brought the provisions which *Bomeny* by my *Lords* Order had written to the *Steward* for, as the perfidious Rascal was running down Stairs crying out that my Lord had killed himself, and that he had found his Body dead in the Closet, did thereupon being surprised by *Bomenies* report run up into the Chamber, where he saw *his Master lying in the Closet with a great*

part

part of his Leggs reaching out of the Closet door, and the print of a bloody foot upon one of his Stockins, which so far convinced this honest and unbiaz'd man of violence committed upon the Earl of *Essex*'s person, that he immediately cryed out *they have murdered my Lord.* Nor is *Peck* the only Witness whom we can produce to testifie this, but there are others also ready to confirm it upon Oath, whensoever his Majesty will be pleased to take them into his protection and indemnifie them from the accession they are guilty of to that horrid and bloody murder. But before I dimiss *Peck*, there is one thing further obsevabl', namely that having among other things brought wine for my Lords own drinking, *Russel* and others of that fellow's stamp and complexion who stood by, fell a jeering the poor man, telling him the wine came too late for my Lord to drink, but that he had brought it very seasonably for his Funeral. Nor is this the only circumstance which would have afforded the *Coroners Jury* matter of evidence and light as to the manner of the Earl of *Essex* death, had not the Body been medled with, but suffered to continue in the place and posture as it fell; but there would have appeared a *second circumstance* of as great importance and signification in it self, and as serviceabl' as the former to have discovered the barbarous violence committed upon this innocent and excellent person. For not only *Mary Johnson* the woman who was then Servant in the *Warders* house where my Lord was a prisoner, and who affirms that she saw my Lords Body as soon as either *Bomeny* or *Russel* did, but several other persons besides her, have confessed *that the Neck or midd'l of my Lords Cravat was cut in four pieces.* Surely if my Lord (as *Bomeny* tells us) had taken off his periwig and hung it up, because, as the Villain would have the world believe, he could not so conveniently have cut his Throat with the *Periwig* on, he would for the same reason have much rather laid aside his *Cravat*, being no less than three times about his Neck, and more apt to hinder the accomplishment of that unnatural Fact which the infidous and perjured Rascal hath endeavoured to father upon him, than the *Periwig* was. And therefor' as it is unreasonabl' to think other wise, but that the Earl of *Essex* would have lay'd by his *Cravat*, had he designed to commit that violence upon himself; so it gives just suspition that he was assassinated by others that his *Cravat* was about his Neck, and cutt thorough in so many places. And whensoever this affair' of my Lord of *Essex*'s death comes to be admitted to a fair and indifferent hearing, and a pardon vouchsaf'd to such as shall give evidence, it will be fully proved that the bloody Miscreants came provided and furnished with an Instrument which was able to conquer the resistance, which a Cravat, tho thrice rolled about the Neck was abl' to give it. And whereas one *Webster Bayliff* of

the

the Tower liberty, being a person who assisted *Mary Johnson* in stripping my Lords Body, hath pretended to some that it was he who cutt the Cravat as not being abl' readily to untye it; this may be easily demonstrated to be a story purposely forged towards the avoiding the suspition, which the circumstance of the Cravats being cutt by the same Instrument and stroke that gave my Lord the fatal and deadly wound, would have both begotten and cherished in the Minds of unbiaz'd Men. For besides that *Mary Johnson* who in conjunction with *Webster* stripp'd the Body, hath often asserted the contrary to this which *Webster* reports and gives out, it was not possibl' that the Cravat should be thrice about my Lords Neck when the wound and Gash was made from the Neck Bone behind the one jugular to the Neck Bone behind the other jugular; and not at all cutt or touched by the Instrument wherewith that large and deadly wound was given. And as my Lords Cravat could not be tyed harder than he tyed it himself, without the intervention of some violent hand that had endeavoured to choak him with it to hinder and prevent his crying out; so we cannot suppose that my Lord himself had tyed it so hard, but that it might have been easily loosed and untyed without cutting of it. And as it was impossibl' that my Lords Neck should swell after the Gullet and both the jugulars were cutt, which if it could have don' might have been a means and occasion of the Cravats being more strait' and clos about his Neck, so no rational man can apprehend, but that had it been never so strait', they would have taken pains and found a way to untye it, especially having a prospect of enjoying it themselves, it being usual in *England* that they who stripp a dead Body are recompenced with the gift and possession of all the Cloaths which they find about it. And therefor' as *Websters* pretending to have cutt the Cravat when he assisted in stripping the Body, is both a confirmation that it was about my Lords Neck when he was killed, and that it was cutt into so many pieces as I have declared; so the having made it evident that this pretence of *Webster* as to his cutting the Cravat at such a time is a forgery and fiction of his own, I may from the whole very justifiably conclude, that this Report was invented to suppress the evidence and light which this circumstance would have given into the manner of my Lord *Essex's* death, and to prevent the questioning such as might thereupon have been suspected and apprehended for assassinating and murdering that vertuous and Nobl' Peer. But besides the two fore-go'ing circumstances which would have served to detect the manner of my Lords death, and the violence which had been used to bring him to his untimely End, there was a Third of as great weight and moment as either of them, which had the Body been suffered to continue in the place, posture,

and

and condition as it fell, would have clearly discovered the perjury of *Bomeny* and *Russel*, and wonderfully contributed to the unvailing and laying open the whole Mystery of this barbarous murder. For whereas both *Bomeny* and *Russel* not only swear *that the Closet door where my Lord fell, was lock'd when they came up to it, but that upon opening the door they found him lying all along on the Closet Floor*; *Peck* the Servant that had brought the provisions to my *Lord* just as *Bomeny* pretended to have found him dead, and who upon *Bomeny*'s meeting him on the stairs and telling him that my *Lord* had killed himself, run immediately into the Chamber, is ready to depose upon Oath that *he saw the Earl of* Essex's *Body lying in the Closset with a great part of his leggs without the Closet door.* Which Testimony as it shews the falshood of those two Rascals *Informations* in swearing that the Closet door was lock'd when they came first up to it; so it ought to have credit given thereunto, as proceeding from one that could hope for no advantage by telling a lie, nor fear any danger from declaring the Truth, while on the contrary *Russel* and *Bomeny* were suborned and brib'd to attest a forged story, and knew themselves liable to be hanged for their accession to my Lord's murder, had they related the matter as it really was. Yea this posture wherein *Peck* declares he found my *Lord*'s Body, namely, three quarters of it lying in the Closet, and one quarter out of it, must have awakened the Jury had they seen it in that condition, to suspect and apprehend, that some preceding violence had been offered to his person near the Closet door. But as the removing and stripping the Body, and washing both it and the two Rooms before ever the *Coroner's Inquest* was admitted either to see it, or to view those places where the *Tragedy* had been acted, deprived them of the knowledge of the foregoing circumstances, (and possibly of many others as weighty and important) which would have served to have led them into this Mystery, and enlightned them about the manner of my Lord *Essex*'s death; so nothing can be more convictive of some violent and unlawful course and means, made use of to bring him to that deplorable and untimely End, than the irregularities committed upon and about the Body, before the Jury either sat upon, or so much as saw it.

That which we advance unto in the next place, as fresh matter of proof that the Earl of *Essex* was not *Felo de se*, but that he perished by the violent hands of bloody Assassinates, ariseth *partly* from the carriage of the Jury it self, which was trusted with the Inquisition into the manner of his Death, and who as men of little Sense or Reason, and of less Justice and Honesty, gave in upon Oath, *that he did voluntarily and feloniously*

cut his own Throat; and *partly* from the *behaviour* of others towards the Jury both in confining and abridging them to a shorter time than was necessary to a suitable and thorough Enquiry into so great an Affair, and in denying and withholding from them those *means* of being enlightned in that matter, which it was their Duty to require, and the Duty of others to grant, and without which they could not judge themselves inabled to give a true and just *Verdict* concerning the manner of that Noble Mans death. And the *first* thing that occurs in the carriage of the *Jury*, which makes it suspected that even they did judge the manner of the Earl of *Essex*'s death a business of too much hazard to enquire narrowly into, was their *partiality* in examining those few Witnesses which they called before them, and their giving too hasty and undeserved credit to two Fellows of whom they had reason to be jealous as interested in that murder, against the information of an honest and unbiass'd person. With what not only coldness but apparent loathness to be truly informed, did they examine *Peck*, as if they had dreaded to hear any thing which might shake their belief of the Earl of *Essex*'s having killed himself, or which might oblige them to accuse and charge others with the guilt of his murder, while in the mean time they greedily hearkned to whatsoever *Bomeny* and *Russel* swore, tho' stuft with all the inconsistencies and contradictions imaginable? How little esteem and value did they set upon the information of poor *Peck*, tho' they could not but know that he was a man whom none could have endeavoured to prepossess, and who was neither under the influence of hope or fear to testifie any thing but what he saw; while in the *interim* they paid an implicite faith to the self and one another contradicting depositions of *Bomeny* and *Russel*, whom they might easily have suspected not only to have been prompted and taught what they were to say, but to have been both deterred by the apprehension of punishment from declaring the Truth, and sway'd by Rewards to swear and publish a Falshood? But there is a *Second* thing wherein the *Jury* were partial and defective in their Enquiry into the manner of the Earl of *Essex*'s death, and which by consequence shews that if not all of them, yet some, and they such as conducted the rest, did either know or were jealous of a mystery in the way of that Noble Mans coming to his fatal end, which they were not willing, and judged it not for their interest to dive too far into. For albeit there were more persons than *Russel* and *Bomeny* then in the house when my Lord's Throat was cut, yet I do not find that they did, or were willing to examine any others. Now amongst those that were in *Hawley*'s house at that season when that bloody Fact was committed upon this honourable *Peer*, there was one *Mary Johnson*, who

who amongst many other things which she declares, affirms particularly *that being just entred my Lords Chamber as* Russel *and* Bomeny *were opening the Closet door, she saw the Body as soon as either of them did*; and yet this Woman, whom the *Coroner's Inquest* were bound by the Laws of Justice as well as the Rules of Prudence to have examined, was never so much as called upon, nor ask'd a Question concerning that matter in a judicial way. And we have the more reason to complain of the *Juries* neglect and infidelity in this particular, because she has often reported, and professeth her self ready to depose upon Oath, divers things, which are wholly inconsistent with what *Russel* and *Bomeny* have informed. For while they depose *that they found my Lord's Body lying along in the Closet, and the Razor lying by him on the Floor*, this Woman, *Mary Johnson*, both hath and doth still report, that *my Lord of* Essex *was found kneeling on both his knees with his Body leaning against the Wall, and that the Razor was in his hand, the blade being lying upon his Forefinger, and the handle hanging down between that Finger and the Thumb.* And while they swear *that it was not above a quarter of an hour and a half, from* Bomeny's *delivering the Razor to his Master, till the time of their finding him dead in the Closet*; She positively avers and affirms, that *the Body when at first found was cold and stiff*, which it could not be at that season of the year in a much longer time than their *Informations* do specifie and allow. I do not say that what she affirms was true, no more than I believe that what they inform was so; but I say the contrariety which (had she been examined) would have appeared in her Testimony to theirs, might have served to convince the *Jury*, and is sufficient to satisfie all mankind, that things were not as they are declared by any of them, but that the manner of my Lord's death, and the posture wherein the Body was found, being otherwise than was safe for them to disclose and reveal, each of them in order to hide and conceal the Truth, and for the sheltering both themselves and others from Justice, fram'd a story of their own concerning that matter, whence it came to pass that they so widely differed one from another in their several and respective Reports. And as the carriage and behaviour of the *Jury* in their *Inquisition* after the manner of the Earl of *Essex*'s death, does plainly shew that there was a secret and hidden villany in that matter which some of them were either forbidden or afraid to ravel into; so it serves to depress and take off the credit of that Verdict which they gave in concerning his having murdered himself. But let us in the next place observe and consider the behaviour of other persons, and those acting by no meaner Authority than of great men, towards the *Coroner's Inquest* when they were met

and ſat upon the Body; and we ſhall from thence alſo be furniſhed with new proofs and further evidence, that the Earl of *Eſſex* did not deſtroy himſelf, but was brought to his unfortunate and untimely end, by Inſtruments whom they would not have known, and by means which they durſt not admit to have narrowly ſearched into. For whereas according to the ſaying of the *Poet*, which my *Lord Chancellor Finch* was pleaſed to quote at the Tryal of my Lord *Stafford*,

Nulla unquam de morte hominis cunctatio longa eſt. Juven. Sat. 6.

That we can hardly proceed ſlowly, nor ſearch diligently enough in what concerns the life or death of a man; ſo there were many ſingular and weighty reaſons, ariſing from the worth and quality of the perſon, the place and condition my Lord of *Eſſex* was then in, the benefit or prejudice which were likely to enſue to others, as his death ſhould be found to be compaſſed by this or that means, which ſhould have influenced the *Jury* to uſe all the utmoſt ſcrutiny and diligence imaginable in their Enquiry into the manner of that Noble Mans death. But inſtead of this, the *Jury* was little ſooner met (which by the way was at a publick houſe in the *Tower*, whither the Coroner had adjourned them after they had ſeen the Body) than a Meſſage was ſent them *to make haſte in their Inquiſition, becauſe one waited to carry it to the King*. Not that I would perſwade the World they had any Authority from His *Majeſty* to uſe ſuch an Expreſſion, or that the King was not willing they ſhould take time to examine things throughly as well as with gravity and leiſure, but that there were ſome great men and very near his perſon who gave order to make uſe of his name, in order to the preventing the reproach and publick guilt, which a due, calm, impartial, and leiſurely Enquiry of the *Jury* into that matter, would have ſubjected and made them obnoxious unto. Nor can I believe that *Hawly* the *Warder*, who was one of thoſe that ſent the forementioned Meſſage to the *Jury*, either would or durſt have done it, and much leſs have named the *King*, but that he had expreſs Command and Warrant from ſome in power for the doing of it, and that there were ſome men of the firſt quality, who for reaſons well known to themſelves, were exceeding backward and averſe to the having the manner of the Earl of *Eſſex*'s death too critically ſearched into. But beſides the method which I have mentioned that was uſed towards the *Jury* to hinder a due *Inquiſition* into the matter they were met about, and to frighten and intimidate them from tracing things too far, there was a *ſecond* paſſage, and much more aſtoniſhing than the former, in the behaviour

viour of ſome people towards the *Coroner's Inqueſt* while they were aſſembled and ſitting about the Earl of *Eſſex*'s death. For one of the *Jury* having obſerved, that tho' they had been admitted to view the Body, yet they had not ſeen the *Cloaths* which my *Lord* wore when he was killed, but that they had been taken off, and were carried away, did thereupon ask to ſee the *Cloaths* which my *Lord* had on when that unfortunate thing fell out, and in which he was found dead. One would think that a more modeſt, juſt, and neceſſary demand could not have been made; and I take the confidence to ſay, the Jury ought not to have proceeded to a *Verdict* till they had been complied with in it, unleſs upon the denial of ſo righteous a Requeſt, and the refuſal of a matter that was ſo neceſſary as well as uſeful to inform them, they had proceeded as in duty and conſcience they ought, to acquit my *Lord* from having committed any violence upon himſelf, and have caſt this horrid Murder upon others. For inſtead of being gratified in the demand of *ſeeing the Cloaths*, the *Coroner* was immediately called into the next Room, where ſome Gentlemen were attending (and amongſt others the perſon I have juſt now mention'd) who having overheard what was ask'd for, ſeverely check'd and rebuk'd him for ſuffering ſuch Queſtions to be propoſed. And this mercenary, or at leaſt cowardly Soul, *Farnham* the *Coroner* (if I may ſo call him, being but the *Coroner's Deputy*) returning back to the *Jury* after he had receiv'd the reprimand and rebuke, told them, *they were called to ſit on my Lord's Body, and not on his Cloaths, and that it was ſufficient they had ſeen the Body, and received an Account upon Oath how it was found.* O faithleſs and nonſenſical Man! as if becauſe they were to ſit upon the *Body*, they might not be allowed a view of the *Cloaths* in which it was arrayed, when this noble Perſon received his fatal and deadly Wound. But ſtupid Fool, whom if thy Place and Office had not made an *Eſquire*, thy honeſty and wit never would; didſt thou think that it was meerly the *Body* of the Earl of *Eſſex* thou waſt to ſit upon, whilſt thy buſineſs, man, was to enquire by what means, and after what manner my *Lord himſelf* came to that unnatural, violent, and untimely end. And therefore as thou ſat upon the Body meerly in order to the receiving light and information into the manner how my *Lord's Perſon* came to be deſtroyed, ſo if thou hadſt not renounced Conſcience as well as Courage, thou wouldſt have deſired a ſight of the *Cloaths* in ſubſervency and order to the ſame end. Nor can any rational perſon otherwiſe judge, why the Body was firſt ſtripp'd, and the *Cloaths* afterwards with-held from the view of the *Jury* when demanded by one of them to be ſeen, but becauſe ſomething or other remarkable would have been found upon and about them, which would

would have overthrown the *Informations* of *Bomenie* and *Ruſſel*, and made appear my *Lord*'s being murthered by others, inſtead of periſhing by his own hands.

To all that we have hitherto ſaid in vindication of the Earl of *Eſſex* from the guilt and infamy of having been a *Felon of himſelf*, and in proof that he was moſt treacherouſly as well as barbarouſly murdered by others; we ſhall in the next place give an account of ſome remarkable paſſages which were obſerved in the *Tower* that Morning my *Lord* was kill'd, which will not only inform us there was ſomething requiring great ſecrecy then tranſacting, but will conduct us home to the Authors and Authorizers of that villanous, and ever to be abhorred Aſſaſſination. The firſt thing then remarkable was, That the *Gate* at the lower end of thoſe Apartments in the *Tower* where the Earl of *Eſſex* and all the other Gentlemen committed for the late pretended Plot, were lodged and ſecured, and which always uſed to ſtand open from Morning to Evening, was all that *Morning* kept ſhut till after my Lord of *Eſſex* was dead, except that it was once opened to let out my *Lord Ruſſel* to his Trial, being immediately after he was gone, lock'd up again. And as this could not eſcape the ſight of the perſons who were then confin'd, ſo it gave that ſurpriſe to ſome of them, being a thing which had not fallen out before, that one Gentleman in particular called to his *Warder* and ask'd him the meaning of it, and receiv'd for anſwer, That there was ſpecial *Order* given for it. Nor is it difficult to gueſs the *reaſon* of the *Order*, and upon what Motives, and in reference to what end, command was given for keeping the ſaid *Gate* ſhut up all that Morning till after the Earl of *Eſſex* was kill'd. For the Stage and *Theater* upon which the bloody *Tragedy* was to be acted, being within that Gate, it was needful to keep people out as much as they could, to prevent the diſcovery of the Actors, unleſs it were ſuch as had their parts in ſome of the *Scenes*, or would be ſure to give their *Plaudite* to the whole. A *ſecond* paſſage very remarkable, which was obſerved in the *Tower* that Morning, and which ſpeaks as loud to the matter we are upon as the former, was, that the *King* and *Duke* having been at the *Lieutenant*'s houſe, which is about the middle of the *Alley* where my Lord of *Eſſex* and the reſt were impriſoned; and having ſtood in a *Balcony* with a few attending them to ſee my Lord *Ruſſel* paſs by to his Trial; the *Duke* did ſoon after, with ſeveral waiting upon him, withdraw from the *King* down into the *Alley* the Gate whereof was ſtill kept ſhut. Surely it could not be the pleaſure of the walk that made the *Duke* leave his *Majeſty* at that ſeaſon, but he had ſomething to give Order about, and to ſee the managing of, which was of more moment than his Prince's company,

pany, and which his heart was infinitely more set upon. The *Third* and last thing which fell under the observation of divers then in the *Tower*, was, That the *Duke* having withdrawn from the *King*, there were several persons immediately sent and dismissed from his very side towards the Earl of *Essex*'s lodgings, who returned not till after the death of that Noble person, that they came and gave an account of the obedience they had paid to his *Highness*'s commands, and that the Earl of *Essex* was kill'd, pretending he had cut his own Throat, thereby murdering his Memory after they had assassinated his Person. It may be expected that I should here mention the Names of those that were sent upon that barbarous errand, but there being some of them who may be improved and made serviceable to detect the villanous crime they were assisting to commit, it is but Justice to our selves as well as to them to conceal their Names: And to publish the Names of the rest, were but to set a mark upon the former, and expose them to the rage and power of St. *James*'s by not proclaiming them in conjunction with the others. But this offer I renew again both to his *Majesty* and his *Ministers* of Justice, that if a *melius inquirendum* into the manner of my Lord *Essex*'s death, may be ordered, and an *Indemnity* granted to such as shall be willing and able to detect by whom and how he was murdered, then shall the Names not only of the *Ruffians* who committed the bloody Fact, but the Names of the Conspirators who were the Contrivers, Authors, and Encouragers of it, be both discovered to his *Majesty* and *judicial Officers*, and published to all the World.

The only thing which remains to be discoursed of, in confirmation of the Earl of *Essex*'s being murdered by others, and that he was not *Felo de se*, is *that of a bloody Razor's being thrown out of his Chamber Window before any noise of his Death, or the least intimation that he was killed.* And indeed this of a *bloody Razors* being thrown out of his Window, has already made a great *clamor* in the World, and was the first thing which raised a suspicion that my *Lord* had not destroyed himself, but that he was assassinated by others. For as it was impossible that after his Throat was cut he should throw it out himself, so it could not be cast forth by others before the body is pretended to be found, or any declaration made that he was killed, unless it was by such as were present in the Room when he was slain, and who were instrumental in his Murder. Nor can any account be given why they did it, but that God infatuated them, thereby to detect the villany they had committed. And it seems they had no sooner recollected themselves, but they were sensible it would not serve the end they had design'd it unto, namely of making the world believe he had cut his own Throat, and in

revenge

revenge upon the Inſtrument wherewith it was done, thrown it away after the deed was performed, and therefore they immediately both cauſed it to be taken up, and carried back into the Cloſet, and have had the impudence ever ſince to deny that ever ſuch a thing was done. Nor can the Story which a certain Gentleman at *Whitehal* had formed for them, ſtand them in any ſtead, *viz.* That *Bomeny* finding my Lord dead in the Cloſet, and the *Razor* which had been the Inſtrument of his Death, lying by him, and that thereupon being ſtruck with Surprize and Aſtoniſhment at ſo unexpected and deplorable an Accident, he took up the Razor, being acted by Grief and Indignation, and not minding what he did, threw it out of the Window. For beſides that the *Razor* was thrown out of the Window before there was the leaſt noiſe of my *Lord*'s death; this Gloſs and Qualification was invented too late to ſerve the end it was deſigned unto, ſeeing *Bomeny*'s and *Ruſſel*'s Examinations with which it is inconſiſtent, were publick before. Now in proving that a *Razor* was thrown out of my Lord *Eſſex*'s Window before the news and tidings of his Death, I would not be thought to acknowledge that it was a *Razor* wherewith the mortal and deplorable Wound was given him, being well aſſured that it was with an Inſtrument much more proper for the purpoſe than that would have been; but that which I intend by the proof hereof is partly the overthrow and ſubverſion of *Bomeny*'s and *Ruſſel*'s *Informations*, upon which the *inquiſition* and *verdict* of the *Coroner's Inqueſt* was built, and *partly* to eſtabliſh and evidence that antecedently to the noiſe and report of my *Lord*'s death, there were ſome perſons in the Chamber where he was kill'd: Which laſt if once obtained, it will, I ſuppoſe, be thence readily granted that they were not there to be idle Spectators of my *Lords* cutting his own Throat, but that their buſineſs was to perpetrate themſelves that barbarous Fact upon him, tho' for the concealing their guilt, and avoiding the juſtice and ſeverity of the Law, they have endeavoured to caſt the reproach and infamy of it upon that innocent and injured perſon. The *firſt* who reported and divulged the Story of a *bloody Razor*'s being thrown out of the E. of *Eſſex*'s Window before there was any news of my *Lord*'s death, was one *William Edwards* a Youth between *thirteen* and *fourteen* years of age, who having heard as he was going to *School* that the *King* and *Duke* were in the *Tower*, went in to ſee them, and continuing there ſometimes in one place and ſometimes in another all that morning, came home about ten of the Clock to his Mother, and told the Earl of *Eſſex* was killed; *and that while he the ſaid* Edwards *ſtood near the Earl's Lodgings looking up towards his Chamber-window, he ſaw a Hand caſt out a bloody Razor, which being going*

to

to take up, there came a short Maid or Woman with a white hood on her head out of Captain Hawley's *House where the Earl lay, and took up the Razor, which she immediately carried into the Captain's House, and run up stairs, and that soon after he heard one cry out murder.* All this the *Boy* hath frequently repeated and averred to his *Father, Mother, Sister,* and to one Mrs. *Burt,* as well as to Mr. *Braddon,* as those four persons deposed upon Oath at Mr. *Braddon*'s Tryal, yea, the very *Boy* himself did confess and acknowledge in *Court* that he had said and reported it. 'Tis true, that after he had often affirmed it, he was at last by the flatteries of some, and the menaces of others, brought to say he saw no such thing as a *bloody Razor* thrown out of the Earl of *Essex*'s window, but that the whole which he had reported relating thereunto was feigned and invented by himself. For having been told by his *Sister,* that through persevering in his first Report he would not only ruine his Father and the Family, but that he would bring both himself and his Father to be hanged; he thereupon under the influence of dread and fear retracted what he had before affirmed. But whether there ought not more credit to be given to his Affirmation, than to his Denial, I dare refer it to the judgment of all impartial men, who have either heard of the Methods used towards the *Boy* at the *Council Board,* or who have read the carriage and behaviour of my *Lord Chief Justice* and the *Court* of *Kings Bench* in this matter at the *Tryal* of Mr. *Braddon.* And as I was amazed my self on the perusal of the *Tryal,* to observe with what impudence and barefacedness they not only discovered the means used by others to influence the *Boy* to forswear himself, but the arts and tricks in huffing on the one side, and cajoling on the other, whereby the very *Bench* drew him into and cherished him in perjury; so I never had the fortune to speak with a man that was wise or honest, but he was forced to acknowledge that the *Boy*'s first Report in saying he saw a *bloody Razor* thrown out of the Earl of *Essex*'s window, seem'd natural, plain, candid, and true, whilst his denying what he had so often affirmed to have seen, appeared evidently to be wheedled out of him, or by reason of the dread and fear wherewith they had possess'd him, wrested and extorted from him. How gross as well as unbecoming was it for my *L. Chief Justice,* when old Mr. *Edwards* had upon his Childs being sworn, * *charged him in the presence of Almighty God to speak the Truth, and nothing but the Truth,* I say for my *L.C. Justice to bid the Child turn about, and say, Father, be sure you say nothing but the Truth.* For as the *Father*'s command to his Son does plainly intimate the jealousie he was under concerning the *Boy*'s being

* *Braddon's Tryal, p.* 17.

wrought upon to perjure himſelf; ſo the Reply which my *Lord Chief Juſtice* adviſed the Child to make to his Father, did beſides the irreverence towards a Parent whereof it ſavoured, directly inſinuate the apprehenſions he had left the Father's Chriſtian Counſel ſhould fortifie the Child to aſſert the Truth. How palpably as well as ſhamefully did my Lord *Chief Juſtice* betray and reveal their entangling the Boy to ſwear a lie, by the rage as well as ſupercilioufneſs wherewith he treated *Mr. Wallop* (a perſon not only to whoſe age honour is due, but who in all the qualifications of a Gentleman, and the accompliſhments of a Scholar in all other Learning as well as the Law, infinitely tranſcends and exceeds his Lordſhip) and for no other reaſon but becauſe *Mr. Wallop* would have ask'd young *Mrs. Edwards* * *whether ſhe had not told her Brother that the King would hang his Father if he did not deny what he had ſo often affirmed to have ſeen.* And tho' it was a Queſtion, the anſwering whereof would have unfolded and laid open the means by which the *Boy* was wrought to retract what he had formerly declared, and would have confirmed the truth of his firſt Report, yet my *L. C. Juſtice* inſtead of ſuffering any Anſwer to be given to it, not only upbraided that ancient, learned, and worthy Gentleman, as if he had intended to have charged the King with a deſign of hanging men, or elſe of making them deny the Truth (both which were far from his thoughts and the intention of the Queſtion) but having huff'd and hectored him, did threaten him with the animadverſion and *correction of the Court* for reflecting upon and aſperſing the Government. Nor is young *Edwards* the only one who hath declared that he ſaw a *bloody Razor* thrown out of the Earl of *Eſſex*'s window before any noiſe or rumor of his death; but there is alſo a *Girl*, one *Jane Lodeman*, of about *thirteen* years of age, who being in the Tower that Morning the Earl of *Eſſex* was killed, and ſtanding over againſt his Lodgings, came home and told both her *Aunt* and others about *ten* of the Clock, that it was reported the Earl of *Eſſex* had cutt his Throat, *and that ſhe had ſeen a hand caſt a bloody Razor out of the window where the people ſaid that my Lord lodged.* And as this *Girl* had no acquaintance with or knowledge of the former *Boy*, and conſequently they could not agree together to form and invent a Romantick and fabulous Story, nor to concert the particulars which they were to report; ſo it is obſervable that their Relations do harmoniſe and accord in all the main heads, and only ſeem to differ in one thing, which the *Girls* unacquaintedneſs with the ſeveral parts of the houſe where my Lord lodged led her into a miſtake about. For they both agree that there was a *Razor* thrown out

* *Braddon's Tryal*, p. 43.

out of the Chamber window before Murder cryed out, and that this Razor was *bloody*, and that immediately there came a ſhort *Maid* or *Woman* out of the houſe with a white hood upon her head, who went towards the place where the Razor fell; which as they are all the material things requiſite to the confirmation of the Fact, ſo being wholly ſtrangers to one another, they could not before-hand concert them, nor agree the things they ſhould report. Had one ſaid it was a *Knife* that was thrown out of the window, while the other had affirmed that it was a *Razor*; or had one denyed it to be *bloody*, while the other had reported that it was *ſo*; or had the one mentioned a *Man* as having come out of the houſe towards it, while the other ſpake of a *Woman*, there would have been then ſome reaſon for the *Ridiculing* it as a Fiction, ſeeing the contradicting one another in the eſſential circumſtances of the Report, would have detected the falſhood of the Reporters. And it muſt argue great perverſeneſs as well as ſtrange prepoſſeſſion of Mind, to pretend to disbelieve the Story becauſe the Children ſeem to vary one from another in a little and minute thing, when in the mean time there is the greateſt harmony imaginable between them in all that is of moment for the eſtabliſhment and aſſurance of the realty of the Fact. And therefore whereas towards invalidating the *Girls* Teſtimony, it was objected by my *L. Chief Juſtice Jeffreys* that *ſhe* ſhould ſay the *Razor* was thrown out of the *Cloſet* window, when the *Boy* had ſaid † that it was thrown out at the *Chamber* window; this pretended inconſiſtency between the two may be eaſily removed to the ſatisfaction of all rational men, and the eternal reproach and infamy of *Sir George Jeffreys*. For indeed *ſhe* ſaid no ſuch thing, nor did ſhe know the *Cloſet* window from the *Chamber* window, nor ſo much as which was my Lord's *Chamber* but as ſhe heard declared by the Standers by. All that the *Girl* did affirm was, that * ſhe ſaw a hand throw a *bloody Razor* out of a *window*, which as the people diſcourſed belonged to the houſe where the E. of *Eſſex* lodged. Nor did the objection ariſe from what the Child her ſelf depoſed in Court, but it was ſtarted from the Depoſition of one *Glasbrook*, who informed of the *Girls* having told her *Aunt* that the E. of *Eſſex* had cut his Throat, and that *ſhe* was ſure of it becauſe *ſhe* ſaw him throw the *Razor* out of the window, and that it was all *bloody*. Now becauſe the *Cloſet* was the place where my Lord was found dead, they would infer that *ſhe* meant the *Cloſet* window, and thereupon conclude the Story to be falſe, both becauſe of the impoſſibility that himſelf ſhould throw the *Razor* out, and the contrariety which they would have ſuppoſed to be in this expreſſion

† *Braddon's Tryal, p.* 69. * *Bradd. Tryal, p.* 47, 48.

to what the *Boy* had reported. Whereas the phraſe does only ſhew the ſimplicity of the Child, but does no ways argue the falſity of the Report. And the account which *She* gave of the place where *She ſtood*, namely, * in that part of the *Tower* called the *Mount*, plainly ſhews that ſhe could not mean the *Cloſet* window, but the window of the *Chamber*. And had the *Court* of the *Kings Bench* had but the juſtice and integrity which became men in their places, one Queſtion of the *Judges*, and the *Childs* Anſwer to it, would have clearly decided whether ſhe meant the *Cloſet* window, or that of the *Chamber*. For had they but ask'd her, whether the *window* out of which the *Razor* was thrown, ſtood towards the *Foreſtreet* or the *Back yard*, the Objection would have immediately vaniſhed; ſeeing conſidering the place where the Child was then ſtanding, ſhe muſt have anſwered, that it look'd towards the *Fore-ſtreet*; nor was it poſſible for her to ſee any thing thrown out of the *Cloſet* window, unleſs ſhe had ſtood in the Back-yard, which ſhe neither did, nor was ſo much as ever there. But by the asking ſuch a queſtion, *Sir George Jeffreys* would have loſt the advantage not only of *ridiculing* the whole matter about the *Razor*, and of devolving the murder of the Earl of *Eſſex* upon himſelf, but of skreening the Malefactors from Juſtice, and poſſibly of ruining Mr. *Braddon*, which were things of too great concernment to St. *James*'s, to let an occaſion and pretence of compaſſing them eſcape him, eſpecially at the coſt of a little Meekneſs, Patience, and Juſtice in his Lordſhip in receiving a Depoſition, and examining a Witneſs. Now this Objection advanced by my *Lord Chief Juſtice* againſt the Truth of the Girls Teſtimony, being fully and to the ſatisfaction of all impartial men removed and taken off, all that abſurd and nonſenſical ſtuff, which through his having wreſted the Childs words, he ſuperſtructs upon his own Dreams and Fictions, does of its own accord, and without its being needful for me to interpoſe any thing by way of remark upon it, fall to the ground. Nor will any man of common ſenſe henceforth imagine that the *Coach* which the Child ſays ſhe ſaw at the *Door*, muſt therefore have been in the *Back-yard*, and conſequently been droven through the narrow *Entry* and *Door* of the Houſe; ſeeing it is evident from what hath been here diſcourſed, that ſhe meant the *Fore-door* and not the *Back*, and to that there was no difficulty of acceſs. † And with the ſame eaſe may all that Captain *Hawley* and my *Lord Chief Juſtice* declare about the height of the *Pales*, and the impoſſibility of throwing any thing out of the *Cloſet* window over them, and eſpecially of *ſeeing* it when thrown over and lying upon

* *Braddon's Tryal*, p. 47. † *Bradd. Tryal*, p. 58. 69.

upon the ground, be diſſipated and blown away, becauſe it was not the *Pales* encompaſſing the *Back-yard* which the *Girl*'s Teſtimony referred unto, but thoſe to which her Depoſition related, are the *Pales* which face and fence the forepart and front of the Houſe. O the *Chicanery* and fraudulency of a mercenary Lawyer, inſtead of the uprightneſs and integrity of a juſt and impartial Judge! Nor could my L.C. Juſtice have taken a more expeditious and effectual courſe to proclaim his own Villany, than he hath done, by endeavouring to ridicule and expoſe this poor *Child*'s Teſtimony in the foregoing particular. And whereas * Mr. Juſtice *Holloway* was pleaſed to except againſt the Depoſition of the *Girl* in another particular, namely, that whilſt *ſhe* ſwore the Razor fell within the *Pales*, the *Boy* had ſaid that it fell *without them*; I do return this by way of Anſwer to it: *Firſt*, that the Reports of the two Children are much more eaſie to be reconciled, than the Obſervation of Mr. *Juſtice Holloway* upon this point, is to be reconciled with that of my Lord *Chief Juſtice Jefferys* concerning the ſame. For whereas *Juſtice Holloway* would have the contradiction between the Informations of the Children to lie in this, † *That the Girl ſaid the Razor fell within the Pales, and the Boy ſaid it fell without*; my *Lord Chief Juſtice* will have it to lie in the *Girl's ſaying the Razor was thrown on the outſide, while the Boy had ſaid it was thrown on the inſide.* I am ſure one of theſe two *Judges* muſt be miſtaken, ſeeing it is impoſſible that two accounts of the ſame thing ſo clearly contradictory the one to the other, can be true. And indeed the miſtake lies with my *Lord Chief Juſtice Jefferys* (whom paſſion had tranſported to that degree, that he neither duly minded what himſelf or others ſaid) in affirming that the *Girl* ſhould ſay, the *Razor* was thrown on the *outſide* the *Pales*, when *ſhe* had expreſsly ſworn that it was *thrown* on the *inſide* of them. But then, 2. as to the inconſiſtency between what the *Boy* informed, and that which the *Girl* depoſed; I ſay that young *Edwards* had both in words, and by imitating the poſture and motion of the hand out of which the Razor fell, frequently declared that it was caſt on the *inſide* of the *Pales*. His Father, Mother, and ſeveral others are ready to depoſe, that when he firſt told the Story of the Razor, he expreſſed it by ſaying that it dropt out of a hand from the E. of *Eſſex*'s Window, which did plainly ſignifie that he meant it fell on the *inſide* of the *Pales*. And whenſoever he uſed to imitate the motion of the hand from which the Razor fell, he did put it into ſuch a downright poſture, as that all who obſerved his imitating what he ſaw done, concluded that the Razor fell on the *inſide* the *Pales*. Nor was he ever heard to

* *Braddon's Trial p.* 45. † *Bradd. Trial p.* 45. *compared with p* 69.

to ſay that it fell on the *outſide* of the *Pales*, ſave only that time that Mr. *Braddon* took his information in writing, when his Siſter by endeavouring to threaten him into a denial of the whole matter he ſaw, had put him into ſuch a fright, that either he could not remember, or did not mind every little circumſtance of what he as well ſaw as had often reported before. And it is remarkable that neither himſelf at Mr. *Braddon*'s Trial, where he repeated and acknowledged what he had formerly reported, nor any other Witneſſes who appeared at the ſaid Trial to teſtifie what they had heard him ſay, did in the leaſt mention his having at any time ſaid that the *Razor* fell on the *out-ſide* of the *Pales*; but on the contrary his Mother does ſo word her Depoſition, as ſerves to prove that ſhe believed he always meant the *in-ſide* of the *Pales*; for ſhe ſweares, * that *he ſaid he ſaw a hand out of a Window and a Razor fall down.* And as the whole matter of a *Razor*'s being thrown or let fall out of the Earl of *Eſſex* his Window immediately before the noiſe of his death, will be atteſted by ſeveral other perſons when there is occaſion; ſo the Sentinel *Meak*, whom we have formerly mentioned, not only reported it to divers perſons both that Morning my *Lord* was killed, and afterwards, but he added two or three remarkable Circumſtances, ſome whereof the *Boy* had not taken notice of, nor the *Girl* obſerved others. That which *Meak* then declared to three perſons the very day my *Lord* was killed, and which they are ready to ſwear when called thereunto, is, *That juſt before the Earl's death was publickly known, there was a bloody Razor thrown out of his Chamber-window, which was ſeen by ſome of the Souldiers as well as by others; and whilſt a little Boy who had ſeen the Razor thrown out, run towards it to take it up, a ſhort Maid or Woman that came out of the houſe where the Earl of* Eſſex *lodged, was too quick for the Boy, and ſnatched up the Razor, and having run with it into the houſe, Murder was ſoon after cryed out.* Thus we have not only a confirmation from a third perſon, that there was a *Razor* thrown out of the Earl of *Eſſex*'s Window before any tidings of his death, and that a *Boy* went to take it up, but was prevented by a ſhort *Woman* from Captain *Hawley*'s houſe, who took it up and run in with it, the laſt paſſage of which the *Girl* had not obſerved; but we have alſo a ratification of a paſſage the *Girl* ſwore, which the *Boy* gave no account of, namely, that there were divers other perſons ſtanding by who ſaw this *bloody Razor* thrown out of my Lord of *Eſſex*'s Chamber-window. Nor is it ſtrange that every little thing ſhould not be equally minded by all, but it is enough to ſet this buſineſs beyond the controul of all rational men, that it hath been declared by two beſides the *Boy*, whereof as none of them can be ſup-

* *Trial* p. 40.

ſuppoſed under any prevalent temptation to feign ſuch a Story, ſo it was impoſſible that three perſons, altogether Strangers to one another, ſhould at one and the ſame time, and in three different places conſpire and agree to report the ſame thing. But to all theſe proofs drawn from the teſtimonies of ſeveral perſons concerning a *Razor*'s being thrown out of the Earl of *Eſſex*'s Window before the news of his death. There is another evidence as convincing as any of them which may be derived from the *Razor* of it ſelf. And that is the ſeveral *Gaps* or *Notches* which were found in it when the *Jury* ſaw it, and had the account of its being found by my Lord's Body, and of its being the Inſtrument wherewith, as they ſaid, he had cut his Throat. For beſides one large *Gap* or *Notch* at the *point*, into which a man might almoſt lay the end of his little Finger, it was for about two inches towards the *handle* ſo *gapp'd* and *notch'd*, that the edge was wholly broken off, and yet all that part of the *Razor* which extended from the *Notch* at the *point* till within two inches of the *handle*, was ſo far from being *gapp'd*, that it remained very keen and ſharp. And this of the *Notches* in the *Razor* was ſo remarkable, that ſome of the *Jury* not only obſerved it, but asked one of the *Chyrurgeons* who was by, Whether my *Lord* by cutting his Throat could have made theſe *Notches* in the *Razor*. To which the *Chyrurgeon* anſwered he might, but whether it was from his being Fool or Knave, or both, I leave others to judge. For I am ſure the reaſon he aſſigned from the *Tremefaction* that was in the hand by that time the Razor reached the Neck-bone, is ridiculous in it ſelf, and can ſatisfie no rational man. And had this ignorant or ſuborned fellow conſidered the poſition and *ſite* of the *notches*, he would have both underſtood the falſehood of his reply, and how abſurd the reaſon was which he endeavour'd to juſtifie and ſupport it by. For admitting at the preſent that the *gap* at the *point* might have been ſo occaſion'd, which yet was impoſſible for reaſons aſſigned before; yet how was it poſſible that that part of the *Razor* which was towards the *handle*, and which muſt be graſp'd or held in the hand, otherwiſe the *Razor* could not be uſed, nor the wound given, ſhould be moſt *notch'd* and *gapp'd*, ſeeing all muſt grant that it was ſo far from approaching the Neck-bone, that it could not paſs beyond the skin and outward part of the *Gullet*. Surely I, the ſame part of the Razor could not at one and the ſame time be held faſt within the hand, and be grating alſo upon, and againſt the Neck-bone? This is ſo obvious to every child, that I know not how to aſcribe the *Chyrurgeon*'s Anſwer to his ignorance, but muſt either impute it to the Conſternation which ſo *Tragical* an accident had put him into, that he remain'd not Maſter of common ſenſe; or it muſt be reſolved into a worſe cauſe, namely, a fear of tracing the murder

of that honourable person, to the true and real Actors of it. Nor can the Conspirators against the life of that Noble Peer avoid the strength and evidence of this argument, but that the Razor must have fallen both from some considerable height, and upon some resisting sharp and hard substance, or that otherwise it could never have been *gapp'd* and *notch'd* as it was. And I dare upon this *Theam* challenge *Roger Lestrange* to do his utmost, tho' I know he hath as good a faculty at ridiculing and baffling reasons which he cannot answer, as my *Lord Chief Justice Jefferys* has at exposing and hectoring Witnesses, the truth of whose testimony he cannot otherwise avoid.

Thus I have finished what at least I judge fit and proper at this time and juncture to be said concerning the barbarous murder and unparallell'd *massacre*, as well as the violent and untimely end of that honourable and innocent person, *Arthur* late E. of *Essex*: And do greatly rejoice that I have been able to do this piece of service to God and my Country, as well as to the memory and vertue of that excellent man. For tho' thy Friends, great *Essex*! were not so happy as to prevent thy being murdered by the hands of execrable *Ruffians*, yet it is some relief to them under all their sorrows for thy unfortunate and *tragical* end, to be in a condition to vindicate thy Name from the infamy cast upon thee of having destroy'd thy self. And tho' we have all the light into, & assurance imaginable of divers other things, yet we do not here publish them because that were both to expose divers persons to the like fate & destiny, & to deprive our selves of the benefit of their testimony at a *Bar* against the Malefactors. We hope nevertheless that under all the disadvantages under which we lie, there is that account given of matters, circumstances & persons, that none can reasonably doubt of the truth of my Lord of *Essex*'s being perfidiously assassinated. And to set this affair yet farther beyond all question and control, I do challenge those who do think themselves injured or agrieved, that for their own vindication, and the discovery of that murder, they would put this matter concerning the manner of the E. of *Essex*'s death, into a fair, safe, and legal way of Trial, without danger to them who shall appear as Witnesses, or damage to such as shall have the vertue and courage to undertake to prosecute. But if instead of this they fall upon ruining men by Actions of *Scandalum Magnatum*, or of assassinating such whom they shall suspect to have detected this bloody and enormous crime, I hope it will be lookt upon not as a vindication of their innocency, but as an Argument of their Guilt. Nor can any man be brought into trouble for having or reading this Book, but it will be a fresh proof, that there is both a villanous mystery in the manner of the Earl of *Essex*'s death which they would not have known, and that there are persons

guilty

guilty of, and accessory to it, whom it concerns them to preserve from the Infamy and Punishment thereof. Great *Essex!* how ungratefully wert thou recompensed for the Loyalty of thy Family, as well as thy own Sufferings and Services in behalf of the Crown? Was this the Reward of thy Father's laying down his Life on a Scaffold, and of all that thou thy self underwent and did for the King and the Government? Is it the *Fate* of the *Capels* either to die for the Royal Family, or to fall by the Treachery & Cruelty of some of the Regal Off-spring? Vertuous Soul! when thou had'st not Crimes for which they could destroy thee, thy Worth & Integrity became thy capital Offences; When their infamous and perjured Witnesses could not administer ground to those at St. *James*'s to reach thy Life; thy Love to *England*, and zeal for the Protestant Religion, were sufficient Reasons with a *great Man*, and some others, to conspire and compass thy Death? And thy declining to join with the Papists to subvert the Laws of the Kingdom, and extirpate the *Northern Heresy*, was Motive enough, first to hate, and then to destroy thee. And what they despaired to effect by perjured Witnesses, and a pack'd Jury of *Peers*, they resolved to accomplish by suborned and hired Assassinates. When they wanted the shadow of Law to arraign thee before thy *Peers* in a publick way, they found Men wearing *Stars* and *Coronets*, who undertook to sit privately upon thee and sentence thee to die. Having lived the Patron as well as Darling of thy Country, thou fell at last, through the malice of the Nation's Enemies, a Victim and Sacrifice for its Rights and Liberties. Nor was there any way for thee to have escap'd their rage, but either to have been less dutiful to God and thy Country, or less tender to them, and more their open and avow'd Enemie. Had'st thou, when time was, unravell'd the *Popish* Conspiracy, as thou both might and should have done, thou could'st have prevented the misery that is fallen upon the Nation, and the deplorable End thou hast been brought unto thy self? But thy Zeal for the greatness of the Monarchy, and thy Love as well as Compassion to a *Great Man*, have, through the injustice and unthankfulness of that Man whom thou wast so industrious to save, proved an unhappy occasion of our Slavery, and thy own ruin. And tho none does more reverence thy memory than I do, yet I cannot but observe how conspicuous the Righteousness of God is, in the injustice of that ungrateful Man. Whil'st his *Associates* are reserved by Heaven to fall *with* him; they who knew his Designs, but out of pity to his Person as well as love to his Majesty, thought fit to conceal them, are by an unsearcheable, but holy Providence, left and suffered to fall *by* him. Nor according to the measures of Wisdom, or in consistency with the Principles of true Reason, can any Man be a Friend to Religion and Natural Rights, without being

an avowed Adverſary to that *great Man* himſelf, as well as to his Contrivances? But what do you think, O ye *Peers* and *Gentlemen* of *England!* are not all your Lives threatned in the deſtruction of this one Nobleman? The Laws that could not protect him, will be as unable to defend you. If the *Tower* of *London*, which is his Majeſty's *Royal Palace* as well as the *State Priſon*, could not ſecure the Earl of *Eſſex* from the irruption and violence of Aſſaſſinates: Can you either hope for, or promiſe your ſelves ſafety in your *Country* Dwellings? For if they want Pretences of deſtroying you by Perſons in *Ermine* and *Scarlet*, they have no more to do but commiſſionate and arm Ruffians and *Banditti* againſt you. And when it may not be found convenient to aſſault your Lives by Strangers and hired Raſcals whom you do not know; they underſtand the Art of debauching your *Valet's de Chamber*, and the Servants into whoſe hands you commit the care of your Perſons, to ſtab or poiſon you. Into what a deplorable condition are *Engliſh* Gentlemen reduced, being expoſed, if they ſtay in the Nation, to be either ſworn out of their Lives by falſe Witneſſes, or murdered by bloody Aſſaſſinates; or if they withdraw and retreat into Foreign Countries, made liable to be purſued to *Outlawries*. And which was never known in any Kingdom of the World, till Sir *George Geffry*'s had given us a *Preſident*, an *Outlawry* does as certainly deſtroy a Man, if the *outlaw'd* Party once fall into their hands, as if he had drunk Poiſon, or were ſtab'd through the heart with a *Stilleto*. Of this the unfortunate Sir *Thomas Armſtrong* is an Example of the firſt *impreſſion*, who albeit apprehended within the twelfth Month, which is the time the *Statute* allows for a Perſon to come in and have the benefit of a Trial notwithſtanding an *Outlawry*, was yet executed by a *Rule* of the *Court* of *King's Bench*, without being allowed a Trial, tho he moſt earneſtly demanded it as a *right* of the Subject, and what the Law of the Land gave him a juſt claim unto. And which is worthy to be remarked, as ſhewing the different treatment which Proteſtants meet with, beyond what was meaſured out to the worſt and moſt criminal Papiſts. The ſame *Attorny General* who oppoſed Sir *Thomas Armſtrong*'s having the liberty and benefit of a Trial, and who required a *Rule* of *Court* for his Execution upon the bare *Outlawry*, did but a few Years before in the caſe of *Levallian* and *Don O Carney*, two of the *Ruffians*, who in the Popiſh Conſpiracy were to have *killed* the *King* at *Windſor*, not only plead for the *Reverſe* of their *Outlawry* (tho they had been above two Years *outlaw'd*, and came not in till they knew there was but one *Witneſs* could ſwear againſt them, Mr. *Bedloe*, the other Witneſs being dead) but he withal told my Lord Chief Juſtice *Pemberton*, that there being an Error in the Fact through their abſence beyond Sea when the *Outlawry* was iſſued out againſt them, the Reverſe of it was a thing

a thing of course, which they had a Right to demand, and which the Court was bound by the Duty of their Office and Place to grant. Seeing therefore that those of you, O *English* Peers and Gentlemen, who remain either faithful to God in the matter of Religion, or true to your Country in the business of Civil Rights, can neither hope to escape the Malice and Rage of your Enemies by staying at home nor by going abroad, is it not time to be at last so far awakened out of your *Lethargy*, as to demand Justice upon those bold and enormous Malefactors that were the *Contrivers* and *Perpetrators* of this horrid Murder upon this Noble and Innocent Lord. Can you believe you have discharged your Duty either to your Maker, your Prince, your Country, your Selves, your Posterity, or to your murdered Friend, till you have fill'd the Ears of his Majesty with a cry of innocent Blood barbarously shed? and till you have demanded *melius inquirendum* into the manner of that Noble Man's Death, and have brought the Authors and Instruments of his Assassination to undergo the Justice and Severity of the Law? Let me tell you, O Peers and Gentlemen! that this is both what Heaven and Earth do expect from you. And if you continue to neglect it, you will, in the account of God, be reckon'd amongst Accessories to that Guilt, and in the Esteem of Men be held for a dastardly and degenerate People. But if all Men shall either prove so intimid, or so supine, as to be regardless of the Command and Authority of God, their own Personal Safety, the Wrath that impends over the Nation upon the cry of innocent Blood: Awake then and stir up thy self thou All-seeing and Righteous Lord, *who beholdest Mischief and Spite to requite with thy hand*, and make thy Wisdom known in the Detection, and thy Justice in the Punishment of this horrid Crime. For thou hast not only devolved the Inquisition after Murder upon those who are trusted with Rule among Men, but hast charged thy self with it, and hast said, *The Blood of your Lives will I require at the hand of Man, and at the hand of every Man's Brother, will I require the Life of Man: and whoso sheddeth Man's Blood, by Man shall his Blood be shed.* And we do the rather make this Appeal unto thee, O Lord, not only because they who are advanced unto the Seats of Judgment, are either unaccessable, or Patrons of what they should search out and punish; but because they who take upon them to minister in thy holy Things, have prophaned thy Name, made contemptible thy Ordinances, and deceived thy People whom they should have informed, both by vindicating the Authors of this bloody Murder from the Guilt and Suspition of it, and by defaming and wounding the Memory of an innocent and guiltless Person. While the Conspirators against our Religion and Laws, *have been like Wolves ravening to shed Blood, and to get dishonest Gain; these Mercenary Men have daub'd them*

with untempered Mortar, making the King glad with their Wickedness, and the Princes with their Lies. 'Tis to them that the Enemies of Protestancy and *English* Rights owe the success of all their Attempts; and it is they whom the Nation ought to accuse, of being the Instruments that have betray'd us to Popery and Slavery. For to omit their other Villanies by which they have sought as well to ruine the Nation, as oblige the Popish Faction; they have endeavoured to ingratiate themselves with that traiterous Party, by becoming Advocates for Assassinates, and Concealers of Massacres. The aspersing this Innocent and Noble Person (whose Spittle some years ago they were ambitious to lick up) with the Infamy of being *Felo de se*, and they managing that wicked Fiction to the involving others in the Guilt of a Plot, hath been a Year's employment for some of the Clergy to exercise their Talent upon, hoping thereby to pave their way to rich Benefices. Nor is there any thing so base, which some of the *Clergy* will not prostitute themselves unto and glory in, if it may but serve the Designs of St. *James*'s, and prevent the detection of the Crimes whereof a *great Man* is guilty. A fresh example we have of this in an *Ecclesiasticks* turning *Informer*, and causing a Souldier to be made run the *Gantlet*, and to be cashier'd. For a certain high flown Tory being viewing the *Tower*, did with a kind of pleasure, on the remembrance that the Earl of *Essex* had there fatally ended his days, ask'd a common *Sentinel* where the Chamber was in which my L. of *Essex* had cut his Throat. To which the Souldier, who was neither a Stranger to the Reports that went concerning the Death of that Noble Person, nor to divers Circumstances importing by what means and hands he had fallen) reply'd, pointing at the same time to the Room, that is the Chamber where the Earl of *Essex* was killed. And because the honest Fellow would not own to that inquisitive Person that my L. of *Essex* had murder'd himself, but persevered in saying he was kill'd in such a place, therefore did the *Divine* inform against him, and brought him to suffer what I have related. Which as it represents unto us the Principles of the present *Clergy*, so it confirms the Assassination committed upon that Noble *Peer*. O therefore *thou holy One, to whom Justice belongeth, shew thy self, yea, lift up thy self thou Judg of the Earth, cause their Mischief to return upon their own Heads, and for the Violence of their Hands, and the Sin of their Mouth, let them be taken in their Pride, that all Men may know God hath not forsaken the Earth, but that he ruleth in* Jacob, *even unto the Ends of it.*

FINIS.